Civil Aviation Authority

The Air Navigation Order 2016 and Regulations

Published for the use of those concerned with air navigation,
but not to be treated as authoritative (see Foreword)

CAP 393

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5 Permanent Air Navigation (Restriction of Flying) Regulations*

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7 The Air Navigation (Dangerous Goods) Regulations 2002 (SI 2002 No.2786)*

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Foreword

April 2003

1 Status

1.1 This work sets out the provisions of the Air Navigation Order as amended together with Regulations made under the Order. These Regulations are The Rules of the Air Regulations, The Air Navigation (General) Regulations, the Air Navigation (Cosmic Radiation) (Keeping of Records) Regulations, the Air Navigation (Dangerous Goods) Regulations and a number of permanent Air Navigation (Restriction of Flying) Regulations. It also contains the provisions of the Civil Aviation Authority Regulations. As with the Air Navigation Order itself, the Regulations are in their currently amended form.

1.2 It has been prepared for those concerned with day to day matters relating to Air Navigation who require an up to date version of the Orders and the Regulations mentioned above. It is edited by the Office of the General Counsel of the Civil Aviation Authority. Courts of Law will however refer only to the Queen's Printer's Edition of Statutory Instruments.

2 Updating

2.1 The work will be kept up to date on the CAA website.

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3 Amendments to the text

3.1 New amendments to the text are underlined in red.

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At the Court at Buckingham Palace, the 13th day of July 2016

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by sections 60 (other than sub-section (3)(r)), 61, 77 and 101 of, and Schedule 13 to, the Civil Aviation Act 1982(**a**), section 35 of the Airports Act 1986(**b**) and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(**c**).

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 EU instruments to be construed as references to those provisions as amended from time to time.

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

Citation and commencement

1. This Order may be cited as the Air Navigation Order 2016 and comes into force on 25th August 2016.

PART 1

Interpretation and categorisation

CHAPTER 1

Interpretative matter

Interpretation

2. Schedule 1 (interpretation) has effect.

Meaning of "in flight"

3. An aircraft is deemed to be in flight—

(a) in the case of a piloted flying machine, from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power, until the moment when it next comes to rest after landing;

(b) in the case of a pilotless flying machine, or a glider, from the moment when it first moves for the purpose of taking off, until the moment when it next comes to rest after landing;

(c) in the case of an airship, from the moment when it first becomes detached from the surface until the moment when it next becomes attached to the surface or comes to rest on the surface;

(**a**) 1982 c.16; sections 60 and 61 were amended by the Airports Act 1986 (c.31), section 83(5) and Schedule 6 Part II. 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.

(**b**) 1986 c.31.

(**c**) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by the Legislative and Regulatory Reform Act 2006 (c.51), section 28.

(d) in the case of a free balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface until the moment it next comes to rest on the surface; and

(e) in the case of a captive balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface, apart from a restraining device attaching it to the surface, until the moment when it next comes to rest on the surface,

and the expressions "a flight" and "to fly" are to be construed accordingly.

Meaning of "operator"

4.—(1) Subject to paragraph (2), references in this Order to the operator of an aircraft are, for the purposes of the application of any provision of this Order in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft.

(2) For the purposes of the application of any provision in Part 4 , Section 4 of Chapter 2 of Part 5 and article 119, when by virtue of any charter or other agreement for the hire or loan of an aircraft a person other than—

(a) the holder of a national air operator's certificate;

(b) the holder of an EU-OPS air operator certificate;

(c) the holder of a Part-CAT air operator certificate; or

(d) a commercial operation undertaking,

has the management of that aircraft for a period of not more than 14 days, paragraph (1) has effect as if that charter or other agreement had not been entered into.

Meaning of "aerodrome traffic zone"

5.—(1) Subject to paragraphs (3) and (8), the aerodrome traffic zone of a notified aerodrome which is not on an offshore installation and at which the length of the longest runway is notified as 1,850 metres or less is that specified in paragraph (2).

(2) The aerodrome traffic zone at an aerodrome referred to in paragraph (1) is the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of two nautical miles.

(3) Paragraph (4) applies if—

(a) the aerodrome traffic zone specified in paragraph (2) would extend less than 1½ nautical miles beyond the end of any runway at the aerodrome; and

(b) this paragraph is notified as being applicable.

(4) The aerodrome traffic zone is that specified in paragraph (5) as though the length of the longest runway at the aerodrome were notified as greater than 1,850 metres.

(5) Subject to paragraph (8), the aerodrome traffic zone of a notified aerodrome which is not on an offshore installation and at which the length of the longest runway is notified as greater than 1,850 metres is that specified in paragraph (6).

(6) The aerodrome traffic zone is the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified midpoint of the longest runway and having a radius of 2½ nautical miles.

(7) Subject to paragraph (8), the aerodrome traffic zone of a notified aerodrome which is on an off-shore installation is the airspace extending from mean sea level to 2,000 feet above mean sea level and within 1½ nautical miles of the offshore installation.

(8) The aerodrome traffic zone of a notified aerodrome excludes any airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of this article as being the controlling aerodrome.

Meaning of "public transport"

6.—(1) For the purposes of this Order and subject to Chapter 2, an aircraft in flight is flying on a public transport flight if—

(a) it is an A to A commercial air transport helicopter operation; or

(b) the conditions specified in paragraph (2) are satisfied.

(2) The conditions referred to in paragraph (1) are—

(a) the flight is not a flight for the purpose of commercial air transport; and

(b) the flight is—

(i) for the carriage of passengers or cargo and valuable consideration is given or promised for that flight in the aircraft; or

(ii) operated by the holder of a national air operator's certificate, an EU-OPS air operator certificate or a Part-CAT air operator certificate and any passengers or cargo are carried gratuitously in the aircraft except for persons specified in paragraph (3) or cargo specified in paragraph (4).

(3) The persons referred to in paragraph (2)(b)(ii) are persons in the employment of the operator (including, in the case of a body corporate, its directors), or persons authorised by the CAA either making any inspection or witnessing any training, practice or test for the purposes of this Order, EU-OPS or the EASA Air Operations Regulation.

(4) The cargo referred to in paragraph (2)(b)(ii) is cargo intended to be used by any persons specified in paragraph (3) or by the operator.

Meaning of "commercial operation"

7. For the purposes of this Order, "commercial operation" means any operation of an aircraft other than for public transport—

(a) which is available to the public; or

(b) which, when not made available to the public, is performed under a contract between an operator and a customer, where the latter has no control over the operator,

in return for remuneration or other valuable consideration.

CHAPTER 2

Categorisation as public transport or commercial operation

Application of Chapter

8. Nothing in this Chapter applies to a flight subject to the EASA Air Operations Regulation.

Public transport – special rule for associations of persons

9.—(1) A transaction is effected in accordance with this paragraph if, under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member of the association on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that valuable consideration would be given or promised if the transaction were effected in a different manner.

(2) If a transaction is effected in accordance with paragraph (1) valuable consideration is, for the purposes of this Order, deemed to have been given or promised, notwithstanding any rule of law as to such transactions.

Public transport – special rule for groups of companies

10.—(1) For the purposes of article 6(2)(b)(i), there is to be disregarded any valuable consideration given or promised for a flight or the purpose of a flight by one company to another company which is—

(a) its holding company;

(b) its subsidiary; or

(c) another subsidiary of the same holding company.

(2) In this article, "holding company" and "subsidiary" have the meanings respectively specified in section 1159 of the Companies Act 2006(**a**).

Public transport and commercial operations – exceptions – flying displays

11.—(1) A flight is, for the purposes of Part 4 and Part 5, a non-commercial flight if—

(a) the flight is of a sort described in paragraph (2); and

(b) the only valuable consideration for the flight or the purpose of the flight is of a sort described in paragraph (3).

(2) A flight is of a sort described in this paragraph if it is—

(a) wholly or principally for the purpose of taking part in an aircraft race, contest or flying display;

(b) for the purpose of positioning the aircraft for such a flight as is specified in sub-paragraph (a) and is made with the intention of carrying out such a flight; or

(c) for the purpose of returning after such a flight as is specified in sub-paragraph (a) to a place at which the aircraft is usually based.

(3) Valuable consideration is of a sort described in this paragraph if it is one or more of the following—

(a) valuable consideration given or promised to the owner or operator of an aircraft taking part in such a race, contest or flying display where such valuable consideration is not more than the direct costs of the flight and a contribution to the annual costs of the aircraft which contribution must bear no greater proportion to the total annual costs of the aircraft than the duration of the flight bears to the annual flying hours of the aircraft; or

(b) one or more prizes awarded to the pilot in command of an aircraft taking part in an aircraft race or contest to a value which must not exceed £500 for any one race or contest except with the permission of the CAA granted to the organiser of the race or contest.

(4) Any prize falling within paragraph (3)(b) is deemed for the purposes of this Order not to constitute remuneration for services as a pilot.

Public transport and commercial operations – exceptions – charity flights

12. A flight is a non-commercial flight if the only valuable consideration given or promised for the flight or the purpose of the flight is one or more of the following—

(a) valuable consideration given or promised to a registered charity which is not the operator of the aircraft; or

(b) valuable consideration for which the CAA has otherwise given permission.

Public transport and commercial operations – exceptions – cost sharing

13.—(1) A flight is a non-commercial flight if—

(**a**) 2006 c.46.

(a) the only valuable consideration given or promised for the flight or the purpose of the flight is a contribution to the direct costs of the flight otherwise payable by the pilot in command; and

(b) the criteria in paragraph (2) are satisfied.

(2) The criteria in this paragraph are satisfied if—

(a) no more than four persons (including the pilot) are carried;

(b) the proportion which the contribution referred to in paragraph (1)(a) bears to the direct costs is not more than the proportion which the number of persons carried on the flight (excluding the pilot) bears to the number of persons carried (including the pilot);

(c) no information has been published or advertised before the commencement of the flight other than, in the case of an aircraft operated by a flying club, advertising wholly within the premises of such a flying club in which case all the persons carried on such a flight who are aged 18 years or over must be members of that flying club; and

(d) no person acting as a pilot is employed as a pilot by, or is a party to a contract for the provision of services as a pilot with, the operator of the aircraft which is being flown.

Public transport and commercial operations – exceptions – parachuting

14. A flight is an commercial operation flight if it is a flight in respect of which valuable consideration has been given or promised for the carriage of passengers and which is for the purpose of—

(a) the dropping of persons by parachute and which is made under and in accordance with the terms of a parachuting permission granted by the CAA under article 90;

(b) positioning the aircraft for such a flight as is specified in paragraph (a) and which—

(i) is made with the intention of carrying out such a flight; and

(ii) on which no person is carried who it is not intended to carry on such a flight and who may be carried on such a flight in accordance with the terms of a parachuting permission granted by the CAA under article 90; or

(c) returning after such a flight as is specified in paragraph (a) to the place at which the persons carried on such a flight are usually based and on which flight no persons are carried other than persons carried on the flight specified in paragraph (a).

Public transport – exceptions – introductory flights

15.—(1) This article applies to an introductory flight (as defined in article 2 of the EASA Air Operations Regulation) which meets the criteria and conditions described in article 6(4a)(c) of that Regulation.

(2) A flight to which this article applies—

(a) is—

(i) a commercial flight for the purposes of Part 4; and

(ii) a non-commercial flight for all other purposes; and

(b) must—

(i) except when conducted by gliders or balloons, start and end at the same site;

(ii) be operated by day and in compliance with the Visual Flight Rules;

(iii) be overseen by a person nominated by the relevant organisation mentioned in article 6(4a)(c) of the EASA Air Operations Regulation to be responsible for the safety of those involved; and

(iv) comply with any other conditions which may be specified by the CAA.

Public transport and commercial operations – exceptions – glider towing

16. A flight for the purpose of glider towing is a non-commercial flight if it meets the criteria and conditions relating to sailplane towing described in article 6(4a)(c) of the EASA Air Operations Regulation.

PART 2

Application of the Order

Extra-territorial effect of the Order

17.—(1) Except where the context otherwise requires, the provisions of this Order, in so far as they apply (whether by express reference or otherwise)—

(a) to aircraft registered in the United Kingdom, apply to such aircraft wherever they may be; and

(b) apply to such other aircraft when they are within the United Kingdom or on or in the neighbourhood of an offshore installation.

(2) Except where the context otherwise requires, the provisions of this Order in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything—

(a) by persons in, or by any of the crew of, any aircraft registered in the United Kingdom, apply to such persons and crew, wherever they may be;

(b) in relation to any aircraft registered in the United Kingdom by other persons, where such persons are Commonwealth citizens, British protected persons or citizens of the Republic of Ireland, apply to them wherever they may be; and

(c) in relation to any aircraft on or in the neighbourhood of an offshore installation, apply to every person irrespective of their nationality or, in the case of a body corporate, of the law under which it was incorporated and wherever that person or body may be.

(3) Nothing in this article is to be construed as extending to make any person guilty of an offence in any case in which it is provided by section 3(1) of the British Nationality Act 1948(**a**) that that person will not be guilty of an offence.

Aircraft in transit over certain United Kingdom territorial waters

18.—(1) This article applies to any aircraft which is registered elsewhere than in the United Kingdom when flying over the territorial waters adjacent to the United Kingdom within any part of a strait specified in Schedule 2.

(2) If an aircraft is flying solely for the purpose of continuous and expeditious transit of the strait, only the articles and Schedules specified in paragraph (3) apply to that aircraft.

(3) These articles and Schedules are—

(a) article 77 and Schedule 5 to the extent necessary for the monitoring of the appropriate distress radio frequency;

(b) article 249(2), (3), and (4) and the regulations made under that article;

(c) article 265 and Part 2 of Schedule 13; and

(d) article 266.

(4) The powers conferred by the provisions referred to in paragraph (3) may not be exercised in a way which would hamper the transit of the strait by an aircraft registered elsewhere than in the United Kingdom, but without prejudice to action needed to secure the safety of aircraft.

(5) In this article—

(**a**) 1948 c.56. Section 3(1) was amended by paragraph 22 of Schedule 13 to the Merchant Shipping Act 1995 (c.21).

"transit of the strait" means overflight of the strait from an area of high seas at one end of the strait to an area of high seas at the other end, or flight to or from an area of high seas over some part of the strait for the purpose of entering, leaving or returning from a State bordering the strait; and

"an area of high seas" means any area outside the territorial waters of any State.

Application of the Order to British-controlled aircraft registered elsewhere than in the United Kingdom

19.—(1) The CAA may direct that such of the provisions of this Order and of any regulations made or having effect under this Order as may be specified in the direction have effect as if reference in those provisions to aircraft registered in the United Kingdom included references to the aircraft specified in the direction.

(2) A direction under paragraph (1) may only specify an aircraft registered elsewhere than in the United Kingdom but for the time being under the management of a person who, or of persons each of whom, is qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the United Kingdom.

Application of the Order to the Crown

20.—(1) Subject to the provisions of this article and article 22, the provisions of this Order apply to or in relation to aircraft belonging to or exclusively employed in the service of Her Majesty as they apply to or in relation to other aircraft.

(2) For the purposes of such application, the Department or other authority for the time being responsible on behalf of Her Majesty for the management of the aircraft is deemed to be the operator of the aircraft and, in the case of an aircraft belonging to Her Majesty, to be the owner of the interest of Her Majesty in the aircraft.

(3) Nothing in this article renders liable to any penalty any Department or other authority responsible on behalf of Her Majesty for the management of any aircraft.

Application of the Order to visiting forces

21.—(1) This article applies to the naval, military and air force authorities and members of any visiting force and any international headquarters and the members and property held or used for the purpose of such a force or headquarters.

(2) Except as otherwise expressly provided in this Order, every body and person and any property to which this article applies is exempt from the provisions of this Order and of any regulations made under this Order to the same extent as if it formed part of the forces of Her Majesty raised in the United Kingdom and for the time being serving there.

Application of the Order to military aircraft

22.—(1) Except as otherwise provided by paragraph (2), and articles 174(3), 249(1)(a), 86(7) and (17) and 218, nothing in this Order applies to or in relation to any military aircraft.

(2) If a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of that person's duty as a member of any of Her Majesty's naval, military or air forces or as a member of a visiting force or international headquarters, the provisions specified in paragraph (3) apply to that flight.

(3) The provisions referred to in paragraph (2) are articles 239, 240, 241 and 242 and in addition article 249 (so far as applicable) applies unless the aircraft is flown in compliance with MAA01: Military Aviation Authority Regulatory Policy (Issue 4, published on 17th December 2014 and

updated on 1st April 2015) and Regulatory Articles 2000 Series Flying Regulations (published on 11th November 2014 and updated on 21st April 2015) issued by the Secretary of State(**a**).

Exceptions from application of provisions of the Order for certain classes of aircraft

23.—(1) This article applies to—

(a) any small balloon;

(b) any kite weighing not more than 2kg;

(c) any small unmanned aircraft; and

(d) any parachute including a parascending parachute.

(2) Subject to paragraph (3), nothing in this Order applies to or in relation to an aircraft to which this article applies.

(3) Articles 2, 91, 92, 94, 95, 239, 241 and 257 (except 257(2)(a)) apply to or in relation to an aircraft to which this article applies, and article 265 applies in relation to those articles.

PART 3

Registration and marking

Aircraft to be registered

24.—(1) Subject to paragraphs (2), (3) and (4), an aircraft must not fly in or over the United Kingdom unless it is registered in—

(a) some part of the Commonwealth;

(b) a Contracting State; or

(c) some other country in relation to which there is in force an agreement between Her Majesty's Government in the United Kingdom and the Government of that country which makes provision for the flight over the United Kingdom of aircraft registered in that country.

(2) A non-EASA glider may fly unregistered, and will be deemed to be registered in the United Kingdom for the purposes of articles 77 and 137, on any flight which—

(a) begins and ends in the United Kingdom without passing over any other country; and

(b) is not for the purpose of public transport or commercial air transport.

(3) A non-EASA aircraft may fly unregistered on any flight which—

(a) begins and ends in the United Kingdom without passing over any other country; and

(b) is in accordance with the B Conditions.

(4) Paragraph (1) does not apply to any non-EASA kite or non-EASA captive balloon.

(5) If an aircraft flies in or over the United Kingdom in contravention of paragraph (1) in such manner or circumstances that if the aircraft had been registered in the United Kingdom an offence in respect of a contravention of a provision specified in Schedule 13 would have been committed, that same offence will be deemed to have been committed in respect of that aircraft.

CAA to register aircraft in the United Kingdom

25.—(1) The CAA is the authority for the registration of aircraft in the United Kingdom.

(**a**) MAA01: Military Aviation Authority Regulatory Policy (Issue 4) and Regulatory Articles 2000 Series Flying Regulations are published by the Military Aviation Authority on behalf of the Secretary of State and are available at https://www.gov.uk/government/collections/maa-regulatory-publications or by writing to MAA regulation enquiries, Juniper 1, Abbey Wood North, Bristol, BS34 8QW.

(2) The CAA is responsible for maintaining the register and may record in the register the information specified in article 27(2) in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.

(3) Subject to the provisions of this article, an aircraft must not be registered or continue to be registered in the United Kingdom if it appears to the CAA that—

(a) the aircraft is registered outside the United Kingdom and that such registration does not cease by operation of law when the aircraft is registered in the United Kingdom;

(b) the aircraft could more suitably be registered in some other part of the Commonwealth or, in the case of an aircraft registered to an unqualified person, another Contracting State; or

(c) it would not be in the public interest for the aircraft to be or to continue to be registered in the United Kingdom.

Who may register aircraft in the United Kingdom

26.—(1) Only the following persons are qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the United Kingdom or a share in such an aircraft—

(a) the Crown in right of Her Majesty's Government in the United Kingdom and the Crown in right of the Scottish Administration;

(b) Commonwealth citizens;

(c) nationals of any EEA State;

(d) British protected persons;

(e) bodies incorporated in some part of the Commonwealth and having their principal place of business in any part of the Commonwealth;

(f) undertakings formed in accordance with the law of an EEA State which have their registered office, central administration or principal place of business within the European Economic Area; or

(g) firms carrying on business in Scotland (and in this sub-paragraph, "firm" has the same meaning as in the Partnership Act 1890(**a**)).

(2) If a person other than a person qualified under paragraph (1) holds a legal or beneficial interest by way of ownership in an aircraft, or a share in an aircraft, the CAA may register the aircraft in the United Kingdom if it is satisfied that the aircraft may otherwise be properly registered.

(3) If an unqualified person has registered an aircraft under paragraph (2) that person must not cause or permit the aircraft to be used for the purpose of commercial air transport while it is so registered.

(4) If an aircraft is chartered by demise to a person qualified under paragraph (1) the CAA may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest in the aircraft, register the aircraft in the United Kingdom in the name of the charterer by demise if it is satisfied that the aircraft may otherwise be properly registered.

(5) Subject to the provisions of this Part, an aircraft registered under paragraph (4) may remain registered during the continuation of the charter.

Application for registration

27.—(1) An application for the registration of an aircraft in the United Kingdom must be made in writing to the CAA and must—

(a) include or be accompanied by such information and evidence relating to the aircraft and the ownership and chartering of the aircraft as the CAA may require to enable it to

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(**a**) 1890 c.39.

determine whether the aircraft may properly be registered in the United Kingdom and to issue the certificate of registration; and

(b) include the proper description of the aircraft according to column 3 of the "Classification of aircraft" in Part 1 of Schedule 4.

(2) If the CAA receives an application for the registration of an aircraft in the United Kingdom and is satisfied that the aircraft may properly be so registered, the CAA must register the aircraft, wherever it may be, and include in the register the following information—

(a) the number of the certificate;

(b) the nationality mark of the aircraft and the registration mark assigned to it by the CAA;

(c) the manufacturer and the manufacturer's designation of the aircraft;

(d) the serial number of the aircraft;

(e) the name and address of every person who is entitled as owner to a legal interest in the aircraft or a share of the aircraft or, in the case of an aircraft which is the subject of a charter by demise, the name and address of the charterer by demise; and

(f) in the case of an aircraft registered under article 26(2) or 26(4), an indication that it is so registered.

(3) The CAA must supply to the registered owner a certificate of registration.

(4) A certificate of registration must include the information specified in paragraph (2) and the date on which the certificate was issued.

Changes to the register

28.—(1) Any person who is the registered owner of an aircraft registered in the United Kingdom must immediately inform the CAA in writing of—

(a) any change in the information supplied to the CAA when applying for the registration of the aircraft;

(b) the destruction of the aircraft, or its permanent withdrawal from use; or

(c) in the case of an aircraft registered under article 26(4), the termination of the charter by demise.

(2) Any person who becomes the owner of an aircraft registered in the United Kingdom must within 28 days of becoming the owner inform the CAA in writing to that effect.

(3) Subject to article 29 the CAA may, whenever it appears necessary or appropriate in order to give effect to this Part or to bring up to date or otherwise correct the register, amend the register or cancel the registration of an aircraft.

(4) The CAA must cancel the registration of an aircraft—

(a) within two months of being satisfied that there has been a change in the ownership of the aircraft; and

(b) subject to regulation 51 of the 2015 Regulations (disapplication in respect of pre-existing rights and interests), as soon as reasonably practicable if satisfied that a person wishes and is entitled to procure the de-registration of the aircraft in accordance with Article IX (modification of default remedies provisions) of the Aircraft Protocol (within the meaning of the 2015 Regulations).

Aircraft which are entered in the Register of Aircraft Mortgages

29.—(1) The CAA must not, under article 28(3), cancel the registration of an aircraft which is the subject of an undischarged mortgage entered in the Register of Aircraft Mortgages kept by the CAA under an Order in Council made under section 86 of the Civil Aviation Act 1982 unless all persons shown in the Register of Aircraft Mortgages as mortgagees of that aircraft have consented to the cancellation.

(2) Subject to regulation 51 of the 2015 Regulations (transitional provision), this article does not apply to an aircraft to which article 30 applies.

Aircraft subject to an international interest

30.—(1) This article applies to an aircraft—

(a) which is the subject of a registered international interest within the meaning of the 2015 Regulations, and

(b) in respect of which an irrevocable de-registration and export request authorisation is in force.

(2) The CAA may cancel the registration of an aircraft to which this article applies under article 28(3) only in pursuance of an application made by a person who is recorded, in accordance with regulation 22 of the 2015 Regulations, as the authorised party under an irrevocable de-registration and export request authorisation in respect of the aircraft.

(3) Expressions used in this article have the same meaning as in the 2015 Regulations.

General provisions concerning registration

31.—(1) The Secretary of State may, by regulations, adapt or modify the foregoing provisions of this Part as the Secretary of State deems necessary or expedient for the purpose of providing for the temporary transfer of aircraft to or from the United Kingdom register, either generally or in relation to a particular case or class of cases.

(2) In this Part and in Chapter 3 of Part 1 of Schedule 3 "the registered owner" means the person in whose name the aircraft is registered in accordance with article 27(2).

(3) The reference in article 28(1) to the registered owner of an aircraft includes, in the case of a deceased person, their legal personal representative, and in the case of a body corporate which has been dissolved, its successor.

(4) In this Part references to an interest in an aircraft do not include references to an interest in an aircraft to which a person is entitled only by virtue of the person's membership of a flying club.

(5) Nothing in this Part requires the CAA to cancel the registration of an aircraft if in its opinion it would not be in the public interest to do so.

(6) Any provision in this Part which requires the giving of information to the CAA in writing may be met by means of an electronic communication if the use of such a communication results in the information contained in that communication being available to the CAA in all material respects as it would appear if given or sent in printed form.

Nationality and registration marks

32.—(1) An aircraft (other than an aircraft permitted by or under this Order to fly without being registered) must not fly unless it has painted or fixed on it, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

(2) The marks to be borne by aircraft registered in the United Kingdom must—

(a) comply with Part 3 of Schedule 4; or

(b) be borne with the permission of the CAA.

(3) Subject to paragraph (4), an aircraft must not bear any marks which would indicate—

(a) that the aircraft is registered in a country in which it is not in fact registered; or

(b) that the aircraft is a State aircraft of a particular country if it is not in fact such an aircraft, unless the appropriate authority of that country has sanctioned the bearing of such marks.

(4) Marks approved by the CAA for the purposes of flight in accordance with the B Conditions do not mean that the aircraft is registered in a country in which it is not in fact registered.

PART 4

Airworthiness of Aircraft

CHAPTER 3

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 non-EASA glider unless flying on a public transport or commercial air transport flight;

(b) a non-EASA balloon flying on a non-commercial flight;

(c) a non-EASA kite;

(d) a non-EASA 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;

(f) a microlight aeroplane which—

(i) is designed to carry one person only; and

(ii) is flying on a non-commercial flight; or

(g) an aircraft flying in accordance with the terms of any permission given by the CAA under article 269.

(3) The prohibition in paragraph (1) does not apply to flights by an aircraft flying in accordance with an EASA permit to fly.

(4) In the case of a non-EASA 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 an EASA aircraft registered in the United Kingdom, the certificate of airworthiness referred to in paragraph (1) is an EASA certificate of airworthiness issued by the CAA.

(6) For the purposes of paragraph (1), a certificate of airworthiness includes an EASA restricted certificate of airworthiness.

(7) An aircraft registered in the United Kingdom with an EASA certificate of airworthiness must not fly otherwise than in accordance with any conditions or limitations contained in its flight manual.

Issue of airworthiness directives for EASA aircraft

34.—(1) Subject to and in accordance with article 14(1) of the Basic EASA Regulation, the CAA may direct that an EASA 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; or

(b) it is revoked by the CAA following a finding made in accordance with article 14(3) of the Basic EASA Regulation, that the directive is found not to be justified.

(3) The CAA must revoke a directive if it is found not to be justified under article 14(3) of the Basic EASA Regulation.

Requirement for a certificate of release to service for EASA aircraft

35. An EASA 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.

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.

CHAPTER 4

Initial airworthiness – non-EASA aircraft

Certificate of airworthiness for State aircraft registered in the United Kingdom

37.—(1) This article applies to a non-EASA 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 an EASA certificate of airworthiness issued by the CAA.

(3) If there is in force an EASA certificate of airworthiness issued by the CAA the aircraft must—

(a) comply with the Basic EASA Regulation and any implementing rules made under that Regulation which would apply if it were an EASA aircraft;

(b) comply with any United Kingdom national requirements made in accordance with article 14 of the Basic EASA Regulation and in CAP 747 which would apply if it were an EASA 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", as amended from time to time(**a**).

Issue and renewal of national certificates of airworthiness

38.—(1) Subject to paragraph (2), the CAA must issue for any non-EASA 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.

(**a**) 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

National certificate of airworthiness ceasing to be in force and issue of airworthiness directives for non-EASA aircraft

39.—(1) Subject to paragraph (3), a national certificate of airworthiness issued for a non-EASA 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).

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 non-EASA 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 non-EASA 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.

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.

(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—

(i) for commercial operation;

(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

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 EASA 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 or EASA 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 or EASA 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.

CHAPTER 5

Continuing airworthiness for non-EASA aircraft

Requirement for a certificate of release to service for non-EASA aircraft

44.—(1) This article applies to each non-EASA 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.

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.

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 39, 50, 56, 57, 58 and 253, a national airworthiness review certificate is valid for one year.

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—

(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 39, 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—

(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", as amended from time to time(**a**).

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

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.

(**a**) Issue 8, dated 29th November 2013, was published by The Stationery Office on behalf of the CAA, under ISBN 9780117928565. It is also available online for download at http://www.caa.co.uk/CAP553

PART 5

Operations

CHAPTER 1

Interpretation and application

Meaning of "non-EASA aircraft" in this Part

64. For the purposes of this Part, "non-EASA aircraft" means an aircraft which, when conducting the flight or operation, is not subject to any of Annexes III to VIII of the EASA Air Operations Regulation.

Application of Chapters 2 and 7

65. Chapters 2 and 7 apply only to non-EASA aircraft.

CHAPTER 2

Operational rules for non-EASA aircraft

SECTION 1

Crew required to be carried

Flight crew required by aircraft registered elsewhere than in the United Kingdom

66.—(1) This article applies to an aircraft registered in a country other than the United Kingdom.

(2) An aircraft must not fly unless it carries a flight crew of the number and description required by the law of the country in which it is registered.

Flight crew required by aircraft registered in the United Kingdom

67.—(1) An aircraft registered in the United Kingdom must carry a flight crew adequate in number and description to ensure the safety of the aircraft.

(2) An aircraft—

(a) which has a flight manual, must carry a flight crew of at least the number and description specified in that flight manual;

(b) which does not currently have a flight manual but has done in the past, must carry a flight crew of at least the number and description specified in that flight manual.

SECTION 2

Duties of Pilot in Command

Responsibilities and authority of pilot in command

68.—(1) The pilot in command of an aircraft is responsible—

(a) before every flight, for defining the roles and duties of each crew member;

(b) for the operation and safety of the aircraft and for the initiation, continuation, termination or diversion of a flight in the interest of safety; and

(c) during aircraft operations, for ensuring the safety of all crew members, passengers and cargo on board.

Obligations of pilot in command

69.—(1) The pilot in command must only use aerodromes and operating sites that are adequate for the type of aircraft and operation concerned.

Flight preparation

(2) Before commencing a flight, the pilot in command must ascertain by every reasonable means available that the ground and water facilities, including communication facilities and navigation aids available and directly required on such a flight, for the safe operation of the aircraft, are adequate for the type of operation under which the flight is to be conducted.

Operating procedures

(3) The pilot in command must ensure that—

(a) the flight is performed in such a way that the operating procedures specified in the flight manual or, where required the operations manual, for the preparation and execution of the flight are followed; and

(b) procedures are established and followed for any reasonably foreseeable emergency situation.

Meteorological conditions

(4) The pilot in command must only commence or continue—

(a) a Visual Flight Rules flight if—

(i) the latest available meteorological information indicates that the weather conditions along the route and at the intended destination aerodrome at the estimated time of use will be at or above the applicable Visual Flight Rules operating minima; and

(ii) the pilot in command has planned an alternative course of action to provide for the eventuality that the flight cannot be completed as planned because of weather conditions;

(b) a flight under Instrument Flight Rules towards the planned destination aerodrome if the latest available meteorological information indicates that, at the estimated time of arrival, the weather conditions at the destination or at least one destination alternate aerodrome are at or above the applicable aerodrome operating minima notified, prescribed or otherwise designated by the relevant competent authority.

Selection of destination alternate aerodrome

(5) If, according to the information available, an aircraft would be required to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the pilot in command of the aircraft must select before take-off a destination alternate aerodrome unless no aerodrome suitable for that purpose is available.

(6) A flight to be conducted in accordance with the Instrument Flight Rules to an aerodrome when no suitable destination alternate aerodrome is available must not be commenced by the pilot in command unless—

(a) an instrument approach procedure notified, prescribed or otherwise designated by the relevant competent authority is available for the aerodrome of intended landing; and

(b) available current meteorological information indicates that visual meteorological conditions will exist at the aerodrome of intended landing from two hours before until two hours after the estimated time of arrival.

Navigation and landing during loss of navigational capability

(7) The pilot in command must ensure that sufficient means are available to navigate and land at the destination aerodrome or at any destination alternate aerodrome in the case of loss of navigational capability for the intended approach and landing operation.

Airworthiness, equipment, baggage and cargo

(8) The pilot in command must ensure that—

(a) the aircraft is airworthy;

(b) instruments and equipment required for the execution of the flight are installed in the aircraft and are operative, unless operation with inoperative or missing equipment is permitted by the minimum equipment list or the CAA;

(c) all equipment, baggage and cargo are properly loaded and secured and that an emergency evacuation of the aircraft remains possible.

Mass and balance requirements

(9) The pilot in command must ensure that during any phase of operation, the loading, the mass and, except for balloons, the centre of gravity position of the aircraft comply with any limitation specified in the flight manual, the weight schedule required by article 43, or equivalent document.

Fuel, oil and ballast

(10) The pilot in command must ensure that—

(a) in the case of a flying machine or airship, sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies;

(b) in the case of a public transport flight, the instructions in the operations manual relating to fuel, oil and engine coolant have been complied with; and

(c) in the case of an airship or balloon, sufficient ballast is carried for the intended flight.

Performance based navigation

(11) The pilot in command must ensure that when performance based navigation is required for the route or procedure to be flown—

(a) the relevant performance based navigation specification is stated in the flight manual or other document that has been approved by the CAA or another competent authority;

(b) any navigational database required for performance based navigation is suitable and current; and

(c) the aircraft is operated in conformity with the relevant navigation specification and limitations in the flight manual or other document mentioned in sub-paragraph (a).

Pilot to remain at controls and be secured in seat

70.—(1) During flight, the pilot in command must—

(a) keep any safety belt fastened while at the pilot's station; and

(b) remain at the controls of the aircraft at all times except if another pilot is taking the controls.

(2) If the aircraft is required by or under this Order to carry two pilots, the pilot in command must cause both pilots to remain at the controls during take-off and landing.

(3) If the aircraft carries two or more pilots (whether or not it is required to do so) and is flying on a flight for the purpose of the public transport of passengers, the pilot in command must remain at the controls during take-off and landing.

(4) An operator must not permit a helicopter rotor to be turned under power for the purpose of making a flight unless there is a person at the controls entitled in accordance with article 136 to act as pilot in command of the helicopter.

Passengers to be seated and properly secured

71. The pilot in command of an aircraft other than a balloon must ensure that—

(a) prior to and during taxiing, take-off and landing; and

(b) whenever deemed necessary in the interest of safety,

each passenger on board occupies a seat or berth and has their safety belt or restraint device properly secured.

Survival equipment

72.—(1) This article applies to any aircraft registered in the United Kingdom.

(2) The pilot in command must be satisfied on reasonable grounds before take-off that the aircraft carries such additional equipment as the pilot in command reasonably considers necessary for the purposes of facilitating the survival of the persons carried in the aircraft.

(3) In complying with paragraph (2) the pilot in command must have regard to the circumstances of the intended flight, including in particular the likelihood of ditching and the availability of search and rescue facilities.

(4) The pilot in command must determine the risks to survival of the occupants of the aircraft in the event of a ditching when deciding if life-jackets must be worn by all occupants.

Passenger briefings

73.—(1) The pilot in command must ensure that before or, where appropriate, during the flight, passengers are given a briefing on emergency equipment and procedures.

(2) This article does not apply to the pilot in command of an aircraft registered in the United Kingdom in relation to a flight under and in accordance with the terms of a police air operator's certificate.

Demonstration and use of oxygen

74.—(1) The pilot in command must ensure that—

(a) before or, where appropriate, during the flight, passengers are given a briefing on use of supplemental oxygen where it is proposed that during the flight the cabin altitude will exceed 13,000 feet;

(b) the pilot and flight crew members engaged in performing duties essential to the safe operation of an aircraft in flight use supplemental oxygen continuously whenever the cabin altitude exceeds—

(i) 10,000 feet for a period of more than 30 minutes; or

(ii) 13,000 feet; and

(c) whenever the cabin altitude exceeds 13,000 feet, all passengers are recommended to use supplemental oxygen.

SECTION 3

Take-off and landing conditions

Take-off and landing conditions

75.—(1) Before commencing take-off, the pilot in command—

(a) of a balloon must be satisfied that, according to the information available, the weather at the operating site or aerodrome would not prevent a safe take-off and departure;

(b) of all other aircraft must be satisfied that—

(i) according to the information available, the weather at the aerodrome or operating site and the condition of the runway or final approach and take-off area intended to be used would not prevent a safe take-off and departure; and

(ii) aerodrome operating minima notified, prescribed or otherwise designated by the relevant competent authority will be complied with.

(2) Before commencing an approach to land, the pilot in command must be satisfied that, according to the information available, the weather at the aerodrome or the operating site and the condition of the runway or final approach and take-off area intended to be used would not prevent a safe approach, landing or missed approach.

(3) If, according to the information available, an aircraft would as regards any flight be required to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the pilot in command of the aircraft must select before take-off a destination alternate aerodrome unless no aerodrome suitable for that purpose is available.

Aerodrome operating minima

76.—(1) The pilot in command must use the departure and approach procedures notified, prescribed or otherwise designated by the relevant competent authority for the runway or final approach and take-off area to be used.

(2) The pilot in command may deviate from a departure route, arrival route or approach procedure—

(a) provided obstacle clearance criteria can be observed, full account is taken of the operating conditions and any air traffic control clearance is adhered to; or

(b) when being radar-vectored by an air traffic control unit.

Operating minima

(3) For flights under Instrument Flight Rules, the pilot in command must select and use aerodrome operating minima for each departure, destination and destination alternate aerodrome which—

(a) must not be lower than those notified, prescribed or otherwise designated by the relevant competent authority;

(b) when undertaking low visibility operations, have been approved by the CAA or the law of the country in which the aircraft is registered.

(4) The pilot in command may commence an instrument approach regardless of the reported runway visual range or visibility.

(5) If the reported runway visual range or visibility is less than the applicable minimum notified, prescribed or otherwise designated by the relevant competent authority, the pilot in command must not continue the approach—

(a) below 1,000 feet above the aerodrome; or

(b) into the final approach segment in the case where the decision height or the minimum descent height is more than 1,000 feet above the aerodrome.

(6) If, after passing 1,000 feet above the aerodrome, the reported runway visual range or visibility falls below the applicable minimum notified, prescribed or otherwise designated by the relevant competent authority, the pilot in command may continue the approach to the decision height or the minimum descent height.

(7) The pilot in command may continue the approach below the decision height or the minimum descent height and the landing may be completed provided that the visual reference adequate for the type of approach operation and for the intended runway is established at the decision height or the minimum descent height and is maintained.

(8) Where the runway visual range is not available, the pilot in command may derive the runway visual range values by converting the reported visibility.

SECTION 4

Equipment of aircraft

Equipment of aircraft

77.—(1) An aircraft must not fly unless it is equipped with equipment which—

(a) complies with the law of the country in which the aircraft is registered or the State of the operator; and

(b) enables communications to be made and the aircraft to be navigated, in accordance with—

(i) the provisions of this Order and any regulations made under this Order; or

(ii) any notified airspace requirements.

(2) Paragraphs (3) and (4) apply to any aircraft registered in the United Kingdom.

(3) An aircraft to which this paragraph applies must not fly unless it is so equipped and marked in accordance with Schedule 5 (aircraft equipment).

(4) The equipment in Schedule 5 must be—

(a) of a type approved by EASA or the CAA either generally or in relation to a class of aircraft or in relation to that aircraft, unless it is equipment listed in paragraph 1(2) of that Schedule; and

(b) installed in a manner approved by EASA or the CAA.

(5) The equipment carried in compliance with this article must be installed or stowed and kept stowed, maintained and adjusted, so as to be readily accessible and capable of being used by the person for whose use it is intended.

(6) The position of equipment provided for emergency use must be indicated by clear markings in or on the aircraft.

Minimum equipment requirements

78.—(1) A minimum equipment list may be established by an operator in respect of an aircraft registered in the United Kingdom—

(a) taking account of the operator's relevant operational and maintenance conditions;

(b) providing for the operation of the aircraft, under specified conditions, with particular instruments, items of equipment or functions inoperative at the commencement of the flight; and

(c) based on the relevant MMEL, and which must not be less restrictive than the MMEL.

(2) A copy of any minimum equipment list established under paragraph (1), or any amendments to that list, must be provided to the CAA within 28 days of the establishment or amendment of that list.

(3) The CAA may permit an aircraft or class of aircraft to which this article applies to commence a flight in specified circumstances even though a specified item of equipment which must by or under this Order be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use.

(4) An aircraft must not commence a flight if any of the equipment which must by or under this Order be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use unless the aircraft does so under and in accordance with the terms of a permission granted to the operator under paragraph (3) or in accordance with the minimum equipment list established under paragraph (1).

SECTION 5

Operation of radio and navigation equipment

Operation of radio in aircraft

79.—(1) A radio station in an aircraft must not be operated, whether or not the aircraft is in flight, except—

(a) in accordance with the conditions of the licence issued for that station under the law of the country in which the aircraft is registered or the State of the operator; and

(b) by a person duly licensed or otherwise permitted to operate the radio station under that law.

(2) The radio station in an aircraft must not be operated so as to cause interference which impairs the efficiency of aeronautical telecommunications or navigational services.

Operation of, and training in operation of, airborne collision avoidance system

80.—(1) Subject to paragraph (2), when ACAS II is used—

(a) operational procedures and training must be in accordance with the Airborne Collision Avoidance Regulation;

(b) the pilot in command—

(i) must apply the appropriate operational procedures and be adequately trained;

(ii) must not commence a flight unless satisfied that every member of the flight crew has had the training specified in sub-paragraph (c)(i);

(c) every member of the flight crew—

(i) must apply the appropriate operational procedures and be adequately trained; and

(ii) must not act as a member of the flight crew on a flight unless that person has had that training.

(2) In the case of an aircraft which is registered elsewhere than in the United Kingdom, the airborne collision avoidance system must be operated in accordance with any procedures with which it is required to comply under the law of the country in which the aircraft is registered.

Minimum navigation performance

81.—(1) An aircraft registered in the United Kingdom must not fly in North Atlantic Minimum Navigation Performance Specification airspace unless it is equipped with navigation systems which enable the aircraft to maintain the prescribed navigation performance capability.

(2) The equipment required by paragraph (1) must—

(a) be approved by EASA or the CAA;

(b) be installed in a manner approved by the CAA;

(c) be maintained in a manner approved by the CAA; and

(d) while the aircraft is flying in that airspace, be operated in accordance with procedures approved by the CAA.

Height keeping performance – aircraft registered in the United Kingdom

82.—(1) An aircraft registered in the United Kingdom must not fly in Reduced Vertical Separation Minimum airspace unless—

(a) it is equipped with height keeping systems which enable the aircraft to maintain the required height keeping performance capability; or

(b) it is otherwise authorised by the appropriate air traffic control unit.

(2) The equipment required by paragraph (1) must—

(a) be approved by EASA or the CAA;

(b) be installed in a manner approved by the CAA;

(c) be maintained in a manner approved by the CAA; and

(d) while the aircraft is flying in that airspace, be operated in accordance with procedures approved by the CAA.

Height keeping performance – aircraft registered elsewhere than in the United Kingdom

83.—(1) An aircraft registered elsewhere than in the United Kingdom must not fly in Reduced Vertical Separation Minimum airspace in the United Kingdom unless—

(a) it complies with paragraph (2); or

(b) it is otherwise authorised by the appropriate air traffic control unit.

(2) An aircraft complies with this paragraph if it is registered elsewhere than in the United Kingdom and—

(a) it is so equipped with height keeping systems as to comply with the law of the country in which the aircraft is registered in so far as that law requires it to be so equipped when flying in any designated airspace; and

(b) the equipment is capable of being operated so as to enable the aircraft to maintain the height keeping performance notified for the airspace in which the aircraft is flying, and it is so operated.

Area navigation and required navigation performance capabilities – aircraft registered in the United Kingdom

84.—(1) Subject to paragraph (3), an aircraft registered in the United Kingdom must not fly in Required Navigation Performance airspace unless it is equipped with area navigation equipment which enables the aircraft to maintain the navigation performance capability notified, prescribed or otherwise designated for that airspace.

(2) The equipment required by paragraph (1) must—

(a) be approved by EASA or the CAA;

(b) be installed in a manner approved by the CAA;

(c) be maintained in a manner approved by the CAA; and

(d) while the aircraft is flying in that airspace, be operated in accordance with procedures approved by the CAA.

(3) An aircraft need not comply with the requirements of this article if—

(a) the appropriate air traffic control unit, having been made aware of the lack of compliance, authorises the flight; and

(b) the aircraft complies with any instructions the air traffic control unit may give.

Area navigation and required navigation performance capabilities – aircraft registered elsewhere than in the United Kingdom

85.—(1) Subject to paragraph (3), an aircraft registered elsewhere than in the United Kingdom must not fly in Required Navigation Performance airspace in the United Kingdom unless it complies with paragraph (2).

(2) An aircraft complies with this paragraph if it is registered elsewhere than in the United Kingdom and—

(a) it is equipped with area navigation equipment so as to comply with the law of the country in which the aircraft is registered in so far as that law requires it to be so equipped when flying within designated required navigation performance airspace; and

(b) the navigation equipment is capable of being operated so as to enable the aircraft to maintain the navigation performance capability notified for the airspace in which the aircraft is flying, and is so operated.

(3) Paragraph (2) does not apply to an aircraft if—

(a) the appropriate United Kingdom air traffic control unit, having been made aware of the lack of compliance, authorises the flight; and

(b) the aircraft complies with any instructions the air traffic control unit may give.

CHAPTER 3

Specialised activities

Flying displays

86.—(1) Subject to paragraphs (15), (16) and (18), no person may act as the organiser of a flying display (in this article referred to as "the flying display director") without first applying for and obtaining the permission of the CAA for that flying display.

(2) Subject to paragraphs (16) and (18), the pilot in command of an aircraft who is intending to participate in a flying display must take all reasonable steps to be satisfied, before participating, that—

(a) the flying display director has been granted an appropriate permission under paragraph (6);

(b) the intended flight can comply with any relevant conditions subject to which that permission may have been granted; and

(c) the pilot has been granted an appropriate pilot display authorisation.

(3) Subject to paragraphs (16) and (18), the pilot in command of an aircraft who is participating in a flying display for which a permission has been granted must comply with any conditions subject to which that permission may have been granted.

(4) Subject to paragraphs (16) and (18), a person acting as pilot of an aircraft participating in a flying display must hold an appropriate pilot display authorisation and comply with any conditions subject to which the authorisation may have been given.

(5) Subject to paragraphs (16) and (18), the flying display director must not permit any person to act as pilot of an aircraft which participates in a flying display unless such person holds an appropriate pilot display authorisation.

(6) The CAA must grant a permission required by paragraph (1) if it is satisfied that the flying display director is fit and competent to safely organise the proposed flying display, having regard in particular to the flying display director's—

(a) previous conduct and experience; and

(b) organisation, staffing and other arrangements.

(7) The CAA may grant such a permission subject to such conditions, which may include conditions concerning military aircraft, as the CAA thinks fit.

(8) The CAA must, for the purposes of this article, grant a pilot display authorisation authorising the holder to act as pilot of an aircraft taking part in a flying display if it is satisfied that the applicant is—

(a) a fit person to hold the authorisation; and

(b) is qualified by having the knowledge, experience, competence, skill, and physical and mental fitness to fly in accordance with the authorisation.

(9) For the purposes of paragraph (8) the applicant must supply such evidence and undergo such examinations and tests as the CAA may require.

(10) The CAA may authorise a person to conduct such examinations or tests for the purposes of this article as it may specify.

(11) Subject to article 253, a pilot display authorisation granted in accordance with this article remains in force for the period indicated in the authorisation.

(12) Subject to paragraph (13), for the purposes of this article, an appropriate pilot display authorisation means an authorisation which is valid and appropriate to the intended flight and which has been—

(a) granted by the CAA under paragraph (8); or

(b) granted by the competent authority of a JAA Full Member State.

(13) A pilot display authorisation granted by the competent authority of a JAA Full Member State is not an appropriate pilot display authorisation for the purposes of this article if the CAA has given a direction to that effect.

(14) A direction may be issued under paragraph (13) either for a particular authorisation, a specified category of authorisations or generally.

(15) Paragraph (1) does not apply to—

(a) a flying display which takes place at an aerodrome in the occupation of the Ministry of Defence or of any visiting force or any other premises in the occupation or under the control of the Ministry of Defence; or

(b) a flying display at which the only participating aircraft are military aircraft.

(16) Paragraphs (1) to (5) do not apply to a flying display at which the only participating aircraft are balloons.

(17) Subject to paragraph (18), the flying display director must not permit any military aircraft to participate in a flying display unless the director complies with any conditions concerning military aircraft subject to which the permission for the flying display may have been granted.

(18) Nothing in this article applies to an aircraft race or contest or to an aircraft taking part in such a race or contest or to the pilot in command or pilot whether or not such race or contest is held in association with a flying display.

(19) No person may be carried during flights for the purpose of flying displays or demonstration flying (except for the minimum required flight crew), unless the prior permission of the CAA has been obtained.

Towing of gliders

87.—(1) An aircraft in flight must not tow a glider unless—

(a) the towing aircraft has a certificate of airworthiness—

(i) issued or rendered valid for that aircraft under the law of the country in which the aircraft is registered; and

(ii) that certificate, or the flight manual for the aircraft, includes an express provision that it may be used for that purpose; or

(b) the towing aircraft has been authorised to do so by—

(i) the CAA; or

(ii) an organisation approved by the CAA to provide such an authorisation.

(2) The length of the combination of towing aircraft, tow rope and glider in flight must not exceed 150 metres.

(3) The pilot in command of an aircraft which is about to tow a glider must be satisfied, before the towing aircraft takes off that—

(a) the tow rope is in good condition and is of adequate strength for the purpose;

(b) the combination of towing aircraft and glider, having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the place of departure and on the intended route, is capable of safely taking off, reaching and maintaining a safe height at which to separate the combination;

(c) after separation the towing aircraft can make a safe landing at the place of intended destination;

(d) signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely; and

(e) emergency signals have been agreed between the pilot in command of the towing aircraft and the pilot in command of the glider, to be used, respectively, by the pilot in command of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the pilot in command of the glider to indicate that the tow cannot be released.

(4) The glider must be attached to the towing aircraft by means of the tow rope before the aircraft takes off.

Towing, picking up and raising of persons and articles

88.—(1) Subject to the provisions of this article, an aircraft in flight must not, by means external to the aircraft, tow any article, other than a glider, or pick up or raise any person, animal or article, unless—

(a) there is a certificate of airworthiness—

(i) issued or rendered valid for that aircraft under the law of the country in which the aircraft is registered; and

(ii) that certificate, or the flight manual for the aircraft, includes an express provision that it may be used for that purpose; or

(b) the aircraft has been authorised to do so by—

(i) the CAA; or

(ii) an organisation approved by the CAA to provide such an authorisation.

(2) An aircraft must not launch or pick up tow ropes, banners or similar articles other than at an aerodrome.

(3) An aircraft in flight must not tow any article, other than a glider, at night or when flight visibility is less than one nautical mile.

(4) The length of the combination of towing aircraft, tow rope, and article in tow, must not exceed 150 metres.

(5) A helicopter must not fly at any height over a congested area of a city, town or settlement at any time when any article, person or animal is suspended from the helicopter.

(6) A passenger must not be carried in a helicopter at any time when an article, person or animal is suspended from the helicopter, other than—

(a) a passenger who has duties to perform in connection with the article, person or animal;

(b) a passenger who has been picked up or raised by means external to the helicopter; or

(c) a passenger who it is intended will be lowered to the surface by means external to the helicopter.

(7) Nothing in this article—

(a) prohibits the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or article required or permitted by or under this Order to be towed or displayed by an aircraft in flight;

(b) prohibits the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;

(c) applies to any aircraft while it is flying in accordance with the B Conditions; or

(d) permits the towing or picking up of a glider otherwise than in accordance with article 87.

Dropping of articles and animals

89.—(1) Articles and animals (whether or not attached to a parachute) must not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.

(2) Subject to paragraphs (3) and (4), articles and animals (whether or not attached to a parachute) must not be dropped, or permitted to drop, to the surface from an aircraft flying over the United Kingdom except—

(a) under and in accordance with the terms of an aerial application certificate granted under article 91; or

(b) with the permission of the CAA.

(3) Paragraph (2) does not apply to the dropping of articles by, or with the authority of, the pilot in command of the aircraft in any of the following circumstances—

(a) the dropping of articles for the purpose of saving life;

(b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;

(c) the dropping of ballast in the form of fine sand or water;

(d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of this Order; or

(e) the dropping at an aerodrome of tow ropes, banners, or similar articles towed by aircraft.

(4) Paragraph (2) does not apply to the lowering of any article or animal from a helicopter to the surface, if—

(a) there is a certificate of airworthiness issued or rendered valid for the helicopter under the law of the country in which it is registered; and

(b) that certificate or the flight manual for the helicopter includes an express provision that it may be used for that purpose.

(5) In this article, "dropping" includes projecting and lowering.

Dropping of persons and grant of parachuting permissions

90.—(1) Subject to paragraphs (9), (10) and (11), a person must not drop, be dropped or be permitted to drop to the surface or jump from an aircraft flying over the United Kingdom except under and in accordance with the terms of either a police air operator's certificate or a parachuting permission granted by the CAA under this article.

(2) A person must not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

(3) The CAA must grant a parachuting permission if it is satisfied that the applicant is a fit person to hold the permission and is competent to conduct parachuting safely, having regard in particular to the applicant's—

(a) previous conduct and experience; and

(b) equipment, organisation, staffing and other arrangements.

(4) An aircraft must not be used for the purpose of dropping persons unless the aircraft—

(a) has a certificate of airworthiness—

(i) issued or rendered valid for that aircraft under the law of the country in which the aircraft is registered; and

(ii) that certificate, or the flight manual for the aircraft, includes an express provision that it may be used for that purpose; or

(b) has been authorised for the purpose of dropping persons by—

(i) the CAA; or

(ii) an organisation approved by the CAA to provide such an authorisation,

and is operated in accordance with a written permission granted by the CAA under this article; or

(c) is operated under and in accordance with the terms of a police air operator's certificate.

(5) Every applicant for and holder of a parachuting permission must make available to the CAA if requested a parachuting manual.

(6) The holder of a parachuting permission must make such amendments or additions to its parachuting manual as the CAA may require.

(7) The holder of a parachuting permission must make its parachuting manual available to every employee or person who is engaged or may engage in parachuting activities conducted by the holder.

(8) The manual must contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

(9) Nothing in this article applies to the descent of persons by parachute from an aircraft in an emergency.

(10) Nothing in this article prohibits the lowering of any person in an emergency or for the purpose of saving life.

(11) Nothing in this article prohibits the lowering of any person from a helicopter to the surface if there is a certificate of airworthiness issued or rendered valid for the helicopter under the law of the country in which it is registered and that certificate or the flight manual for the helicopter includes an express provision that it may be used for that purpose.

(12) In this article, "dropping" includes projecting and lowering.

Dropping articles for purposes of agriculture etc. and grant of aerial application certificates

91.—(1) An aircraft must not be used for the dropping of articles for the purposes of agriculture, horticulture or forestry or for training for the dropping of articles for any of such purposes, otherwise than under and in accordance with the terms of an aerial application certificate granted to the operator of the aircraft under paragraph (2).

(2) The CAA must grant an aerial application certificate if it is satisfied that the applicant is a fit person to hold the certificate and is competent to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in paragraph (1), having regard in particular to the applicant's—

(a) previous conduct and experience; and

(b) equipment, organisation, staffing and other arrangements.

(3) If the CAA grants an aerial application certificate it may do so subject to such conditions it deems appropriate, including conditions for ensuring that the aircraft and any article dropped from it do not endanger persons or property in the aircraft or elsewhere.

(4) Every applicant for and holder of an aerial application certificate must make available to the CAA if requested an aerial application manual.

(5) The holder of an aerial application certificate must make its aerial application manual available to every member of the operating staff.

(6) The manual must contain all such information and instructions as may be necessary to enable the operating staff to perform their duties.

(7) The holder of an aerial application certificate must make such amendments or additions to the manual as the CAA may require.

CHAPTER 4

Other aerial activities

Mooring, tethering, towing, use of cables, etc.

92.—(1) This article applies to or in relation to—

(a) balloons except unmanned free balloons;

(b) gliders;

(c) kites;

(d) parascending parachutes; and

(e) airships,

within the United Kingdom (which are referred to in this article as "relevant aircraft").

(2) A relevant aircraft which is launched, moored, tethered or towed must not be operated—

(a) in such a manner as to—

(i) represent a hazard to other airspace users; or

(ii) without the permission of the CAA, result in any part of the relevant aircraft whilst it is being launched or towed, or its tether, mooring or towing equipment, extending more than 60 metres above ground level;

(b) within controlled airspace or airspace notified for the purpose of this article;

(c) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome except—

(i) during the day and in Visual Meteorological Conditions; and

(ii) with the permission of the person in charge of the aerodrome, the appropriate air traffic control unit or the CAA.

(3) A relevant aircraft which is flown, launched, moored, tethered or towed must be operated in accordance with any guidance issued from time to time by the CAA relating to such operation.

(4) An airship—

(a) must not be moored within 2km of a congested area unless—

(i) it is moored on a notified aerodrome; or

(ii) it has the permission of the CAA;

(b) must not be moored within the aerodrome traffic zone of a notified aerodrome unless it has the permission of the person in charge of the aerodrome or the air traffic control unit;

(c) when moored in the open must be securely moored and must not be left unattended.

(5) A balloon—

(a) in captive flight must be securely moored and must not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings;

(b) in captive or tethered flight must not be flown within 60 metres of any vessel, vehicle or structure except with the permission of the person in charge of any such vessel, vehicle or structure.

Release of small balloons

93.—(1) A person must not cause or permit—

(a) a group of small balloons of more than 1,000 in number to be simultaneously released at a single site wholly or partly within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome unless that person has given to the CAA at least 28 days previous notice in writing of the release;

(b) a group of small balloons of more than 2,000 but not more than 10,000 in number to be simultaneously released at a single site—

(i) within airspace notified for the purposes of this sub-paragraph; or

(ii) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome,

except with the permission of the CAA; and

(c) a group of small balloons greater than 10,000 in number to be simultaneously released at a single site except with the permission of the CAA.

(2) In this article, "simultaneously released at a single site" means the release of a specified number of balloons during a period of not more than 15 minutes from within an area not more than 1km square.

Small unmanned aircraft

94.—(1) A person must not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small unmanned aircraft so as to endanger persons or property.

(2) The person in charge of a small unmanned aircraft may only fly the aircraft if reasonably satisfied that the flight can safely be made.

(3) The person in charge of a small unmanned aircraft must maintain direct, unaided visual contact with the aircraft sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels and structures for the purpose of avoiding collisions.

(4) The person in charge of a small unmanned aircraft which has a mass of more than 7kg excluding its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight, must not fly the aircraft—

(a) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained;

(b) within an aerodrome traffic zone during the notified hours of watch of the air traffic control unit (if any) at that aerodrome unless the permission of any such air traffic control unit has been obtained; or

(c) at a height of more than 400 feet above the surface unless it is flying in airspace described in sub-paragraph (a) or (b) and in accordance with the requirements for that airspace.

(5) The person in charge of a small unmanned aircraft must not fly the aircraft for the purposes of commercial operations except in accordance with a permission granted by the CAA.

Small unmanned surveillance aircraft

95.—(1) The person in charge of a small unmanned surveillance aircraft must not fly the aircraft in any of the circumstances described in paragraph (2) except in accordance with a permission issued by the CAA.

(2) The circumstances referred to in paragraph (1) are—

(a) over or within 150 metres of any congested area;

(b) over or within 150 metres of an organised open-air assembly of more than 1,000 persons;

(c) within 50 metres of any vessel, vehicle or structure which is not under the control of the person in charge of the aircraft; or

(d) subject to paragraphs (3) and (4), within 50 metres of any person.

(3) Subject to paragraph (4), during take-off or landing, a small unmanned surveillance aircraft must not be flown within 30 metres of any person.

(4) Paragraphs (2)(d) and (3) do not apply to the person in charge of the small unmanned surveillance aircraft or a person under the control of the person in charge of the aircraft.

(5) In this article, "a small unmanned surveillance aircraft" means a small unmanned aircraft which is equipped to undertake any form of surveillance or data acquisition.

Rockets

96.—(1) Subject to paragraph (2), this article applies to—

(a) small rockets of which the total impulse of the motor or combination of motors exceeds 160 Newton-seconds; and

(b) large rockets.

(2) This article does not apply to—

(a) an activity to which the Outer Space Act 1986(**a**) applies; or

(b) a military rocket.

(3) No person may launch a small rocket unless the conditions in paragraph (4), and any of the conditions in paragraphs (5), (6) and (7) which are applicable, are satisfied.

(4) The first condition is that the person launching the rocket is satisfied on reasonable grounds that—

(a) the flight can be safely made; and

(b) the airspace within which the flight will take place is, and will throughout the flight remain, clear of any obstructions including any aircraft in flight.

(5) The second condition is that the person launching the rocket on a flight within controlled airspace has obtained the permission of the appropriate air traffic control unit for aircraft flying in that airspace.

(6) The third condition is that the person launching the rocket on a flight within an aerodrome traffic zone of an aerodrome during its notified operating hours—

(**a**) 1986 c.38.

(a) has obtained the permission of the air traffic control unit at the aerodrome; or

(b) if there is no air traffic control unit, has obtained from the aerodrome flight information service unit at that aerodrome information to enable the flight within the zone to be conducted safely; or

(c) if there is no air traffic control unit and no aerodrome flight information service unit, has obtained information from the air/ground communications service unit at that aerodrome to enable the flight to be conducted safely;

(7) A flight for commercial operation purposes must be carried out under and in accordance with a permission granted by the CAA to the person launching the rocket.

(8) A flight by a large rocket must be carried out under and in accordance with a permission granted by the CAA to the person launching the rocket.

CHAPTER 5

Dangerous goods

Carriage of dangerous goods

97.—(1) The Secretary of State may make regulations prescribing—

(a) the classification of certain articles and substances as dangerous goods;

(b) the categories of dangerous goods which an aircraft may not carry;

(c) the conditions which apply to the loading on, suspension beneath and carriage by an aircraft of dangerous goods;

(d) the manner in which dangerous goods must be packed, marked, labelled and consigned before being loaded on, suspended beneath or carried by an aircraft;

(e) any other provisions for securing the safety of aircraft and any apparatus attached to aircraft, and the safety of persons and property on the surface in relation to the loading on, suspension beneath or carriage by an aircraft of dangerous goods;

(f) the persons to whom information about the carriage of dangerous goods must be provided;

(g) the documents which must be produced to the CAA or an authorised person on request; and

(h) the powers to be conferred on an authorised person relating to the enforcement of the regulations made under this article.

(2) It is an offence to contravene or permit the contravention of or fail to comply with any regulations made under this article.

(3) The provisions of this article and of any regulations made under this article are additional to and not in derogation from articles 98 and 99.

Carriage of weapons and of munitions of war – requirement for permission and for pilot in command to be informed

98.—(1) This article applies to a non-EASA aircraft.

(2) Subject to article 100(1) and (3), an aircraft must not carry any munition of war unless—

(a) the munition of war is carried with the permission of the CAA; and

(b) the pilot in command of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any munition of war on board or suspended beneath the aircraft and any conditions of the permission of the CAA.

(3) Subject to article 100(2) and (3), it is unlawful for an aircraft to carry any sporting weapon or munition of war unless it is stowed in the aircraft in a place that is inaccessible to passengers during flight.

Prohibition on carrying on board sporting weapons or munitions of war

99.—(1) Subject to article 100(2) and (3), it is unlawful for a person to carry or have in their possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage on an aircraft any sporting weapon or munition of war unless the provisions of paragraph (2) are complied with.

(2) The provisions referred to in paragraph (1) are that—

(a) the sporting weapon or munition of war—

(i) is either part of the baggage of a passenger on the aircraft or consigned as cargo;

(ii) is stowed in the aircraft in a place that is inaccessible to passengers during flight; and

(iii) in the case of a firearm, is unloaded;

(b) information about the sporting weapon or munition of war has been supplied by that passenger or by the consignor to the operator before the flight commences; and

(c) the operator consents to the carriage of such sporting weapon or munition of war by the aircraft.

Exceptions concerning carriage of weapons and munitions of war

100.—(1) In the case of an aircraft which is flying under and in accordance with the terms of a police air operator's certificate the pilot in command of the aircraft must be informed of the matters referred to in article 98(2)(b) but need not be so informed in writing.

(2) Article 98(3) and article 99 do not apply to or in relation to an aircraft which is flying under and in accordance with the terms of a police air operator's certificate.

(3) Nothing in this Part applies to any sporting weapon or munition of war taken or carried on board an aircraft registered in a country other than the United Kingdom if the sporting weapon or munition of war may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

CHAPTER 6

Air operator certificates

Requirement for and grant of national air operator's certificate

101.—(1) Subject to article 134, an aircraft registered in the United Kingdom must not fly on a public transport flight, otherwise than under and in accordance with the terms of—

(a) a national air operator's certificate granted to the operator of the aircraft under paragraph (2), certifying that the holder of the certificate is competent to secure that aircraft operated by the holder on such flights are operated safely;

(b) a Part-CAT air operator certificate issued to the operator of the aircraft by the CAA; or

(c) in the case of an A to A public transport flight by an aeroplane, an air operator certificate specified in sub-paragraphs (a) or (b) or an EU-OPS air operator certificate granted or issued to the operator of the aircraft by the CAA.

(2) The CAA must grant a national air operator's certificate if it is satisfied that the operator is competent to secure the safe operation of aircraft of the types specified in the certificate on flights of the description and for the purposes specified, having regard in particular to the operator's—

(a) previous conduct and experience; and

(b) equipment, organisation, staffing, maintenance and other arrangements.

Requirement for an EU-OPS air operator certificate

102. A person must not operate an aeroplane registered in the United Kingdom on an A to A commercial air transport aeroplane operation otherwise than under and in accordance with the terms of an EU-OPS air operator certificate granted to the operator of the aircraft by the CAA.

Requirement for a Part-CAT air operator certificate

103. A person must not operate an aircraft registered in the United Kingdom on a commercial air transport operation otherwise than under and in accordance with the terms of a Part-CAT air operator certificate issued to the operator of the aircraft by the CAA.

Offering commercial transport and public transport flights

104.—(1) No person may hold anyone out (whether the person who is being held out is the same person as the one who is holding out or is another person) as being one who may offer flights in an aircraft registered in the United Kingdom for the purpose of public transport or commercial air transport unless the person being held out holds—

(a) in the case of a commercial air transport operation, a valid Part-CAT air operator certificate;

(b) in the case of a public transport flight, a valid national air operator's certificate or a valid Part-CAT air operator certificate; or

(c) in the case of an A to A commercial air transport aeroplane operation, a valid Part-CAT air operator certificate or a valid EU-OPS air operator certificate.

(2) Paragraph (1) does not apply where—

(a) the person being held out as offering such a flight has applied for a certificate which would authorise the flight in question in accordance with paragraph (1);

(b) the person holding out reasonably believes that the person being held out will hold such a certificate by the time the offered flight is made.

CHAPTER 7

Additional requirements for public transport operations

SECTION 1

Duties of the pilot in command

Public transport of passengers – pilot in command to ensure demonstration of lifejackets

105.—(1) Subject to paragraph (2), this article applies to a flight for the purpose of the public transport of passengers by an aircraft registered in the United Kingdom.

(2) This article does not apply to a flight under and in accordance with the terms of a police air operator's certificate.

(3) Subject to paragraph (5), in the case of a flight in an aircraft which is not a seaplane and on which it is intended to reach a point more than 30 minutes flying time from the nearest land, the pilot in command must take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(4) Subject to paragraph (6), and if the circumstances described in paragraph (5) apply, in the case of an aircraft which is not a seaplane and which is required by article 112(2) to carry cabin crew, the pilot in command must take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(5) The circumstances referred to in paragraph (4) are that—

(a) it is intended to proceed beyond gliding distance from land; or

(b) in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the aircraft would be forced to land onto water.

(6) If the requirement to give a demonstration required by paragraph (3) or (4) arises only because it is reasonably possible that the aircraft would be forced to land onto water at one or more of the likely alternate destinations the demonstration need not be given until after the decision has been taken to divert to such a destination.

(7) In the case of an aircraft which is a seaplane, the pilot in command must take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(8) In this article, flying time is calculated by reference to the speed specified in the relevant certificate of airworthiness or flight manual as the speed for compliance with regulations governing flights over water while flying in still air.

Public transport of passengers – pilot in command to ensure crew, passengers and baggage secure

106.—(1) Subject to paragraph (2), this article applies to a public transport flight by an aircraft registered in the United Kingdom.

(2) This article does not apply to a flight under and in accordance with the terms of a police air operator's certificate.

(3) Before the aircraft takes off and before it lands, the pilot in command must take all reasonable steps to ensure that—

(a) the crew of the aircraft are properly secured in their seats; and

(b) any cabin crew carried in compliance with article 112(2) are properly secured in seats which are in a passenger compartment and which are so situated that the cabin crew can readily assist passengers.

(4) During the period and in the circumstances described in paragraph (5) the pilot in command must take all reasonable steps to ensure that—

(a) all passengers of two years of age or more are properly secured in their seats by safety belts (with diagonal shoulder strap, if required to be carried) or safety harnesses;

(b) all passengers under the age of two years are properly secured by means of a child restraint device; and

(c) those items of baggage in the passenger compartment—

(i) which the pilot in command reasonably considers ought by virtue of their size, weight or nature to be properly secured are properly secured; and

(ii) in the case of an aircraft capable of seating more than 30 passengers, are either stowed in the passenger compartment stowage spaces approved by the CAA for the purpose or carried in accordance with the terms of a permission granted by the CAA.

(5) The period and circumstances referred to in paragraph (4) are—

(a) after the embarkation of its passengers for the purpose of taking off, from the moment when the aircraft first moves until after it has taken off;

(b) before it lands, until it comes to rest for the purpose of the disembarkation of its passengers; and

(c) whenever, by reason of turbulent air or any emergency occurring during the flight the pilot in command considers it necessary to take the steps specified in paragraph (4).

Public transport of passengers – pilot in command to ensure demonstration of use of oxygen

107.—(1) Subject to paragraph (4), this article applies to a flight for the purpose of the public transport of passengers by an aircraft registered in the United Kingdom.

(2) The pilot in command of a flight to which this article applies in an aircraft for which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) on or after 1st January 1989 must take all reasonable steps to ensure that each of the actions described in column 1 of the following table is carried out.

Column 1	*Column 2*
Before the aircraft reaches flight level 100 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 119 and Part 1 of Schedule 6 is demonstrated to all passengers.	Before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 119 and Part 1 of Schedule 6 is demonstrated to all passengers.
When flying above flight level 120 all passengers and cabin crew are recommended to use oxygen.	When flying above flight level 130 all passengers and cabin crew are recommended to use oxygen.
During any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft.	During any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft.

(3) The pilot in command of a flight to which this article applies in an aircraft for which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) before 1st January 1989 must take all reasonable steps to ensure that each of the actions described in either column 1 or in column 2 of the table in paragraph (2) is carried out.

(4) This article does not apply—

(a) to a flight under and in accordance with the terms of a police air operator's certificate; or

(b) in a case where a pressure greater than 700 hectopascals is maintained in all passenger and crew compartments throughout the flight.

SECTION 2

Crew to be carried

Pilots required on public transport flights by flying machines over 5,700kg

108. A flying machine registered in the United Kingdom must carry at least two pilots as members of the flight crew if it—

(a) is flying for the purpose of public transport; and

(b) has a maximum take-off mass of more than 5,700kg.

Pilots required on public transport flights by aeroplanes of 5,700kg or less

109.—(1) Subject to paragraph (4) an aeroplane registered in the United Kingdom must carry at least two pilots as members of its flight crew if it—

(a) is flying for the purpose of public transport;

(b) has a maximum take-off mass of 5,700kg or less;

(c) is flying in circumstances where the pilot in command is required to comply with the Instrument Flight Rules; and

(d) comes within paragraph (2).

(2) Subject to paragraph (3), an aeroplane comes within this paragraph if it has—

(a) one or more turbine jets;

(b) one or more turbine propeller engines and is provided with a means of pressurising the personnel compartments;

(c) two or more turbine propeller engines and a maximum approved passenger seating configuration of more than nine;

(d) two or more turbine propeller engines and a maximum approved passenger seating configuration of fewer than 10, and is not provided with a means of pressurising the personnel compartments; or

(e) two or more piston engines.

(3) An aeroplane does not come within paragraph (2)(d) or (e) if it is equipped with an autopilot which has been approved by the CAA for the purposes of this article and which is serviceable on take-off.

(4) An aeroplane—

(a) described in paragraph (2)(d) or (e) which is equipped with an approved autopilot is not required to carry two pilots even though before take-off the approved autopilot is found to be unserviceable, if the aeroplane flies in accordance with arrangements approved by the CAA;

(b) described in paragraph (2)(c), (d) or (e) which is flying under and in accordance with the terms of a police air operator's certificate is not required to carry two pilots.

Pilots required on public transport flights by helicopters of 5,700kg or less

110.—(1) Subject to paragraph (2), a helicopter registered in the United Kingdom must carry at least two pilots as members of its flight crew if it—

(a) is flying for the purpose of public transport;

(b) has a maximum take-off mass of 5,700kg or less; and

(c) is flying in circumstances where the pilot in command is required to comply with the Instrument Flight Rules or is flying at night on a special VFR flight.

(2) A helicopter described in paragraph (1) is not required to carry two pilots if it—

(a) is equipped with an autopilot with altitude hold and heading mode which is serviceable on take-off;

(b) is equipped with such an autopilot even though before take-off the autopilot is found to be un-serviceable, if the helicopter flies in accordance with arrangements approved by the CAA; or

(c) is flying by day and remains clear of cloud and with the surface in sight.

Flight navigators or navigational equipment required on public transport flights

111.—(1) In the circumstances specified in paragraph (2) an aircraft registered in the United Kingdom flying on a public transport flight must carry—

(a) a flight navigator as a member of the flight crew; or

(b) navigational equipment suitable for the route to be flown.

(2) The circumstances referred to in paragraph (1) are that on the route or on any diversion from it, being a route or diversion planned before take-off, the aircraft is intended to be more than 500 nautical miles from the point of take-off measured along the route to be flown.

(3) A flight navigator carried in compliance with paragraph (1) must be carried in addition to any person who is carried in accordance with this Part to perform other duties.

Required cabin crew of aircraft

112.—(1) This article applies to each public transport flight by an aircraft registered in the United Kingdom which has a maximum approved passenger seating configuration of more than 19 and on which at least one passenger is carried.

(2) The crew of the aircraft on each such flight must include cabin crew.

(3) Subject to paragraph (4), on each such flight there must be carried not less than one member of the cabin crew for every 50 or fraction of 50 passenger seats installed in the aircraft.

(4) The number of members of the cabin crew calculated in accordance with paragraph (3) need not be carried if—

(a) the CAA has granted permission to the operator to carry a lesser number on that flight;

(b) the operator carries the number specified in that permission; and

(c) the operator complies with any conditions subject to which the permission is granted.

SECTION 3

Operator responsibilities

Flight data monitoring, accident prevention and flight safety programme

113.—(1) The operator of an aircraft registered in the United Kingdom flying for the purpose of public transport must establish and maintain an accident prevention and flight safety programme.

(2) The operator of an aeroplane registered in the United Kingdom with a maximum take-off mass of more than 27,000kg flying for the purpose of public transport must include a flight data monitoring programme as part of its accident prevention and flight safety programme.

(3) The sole objective of an accident prevention and flight safety programme is the prevention of accidents and incidents and each programme must be designed and managed to meet that objective.

(4) It is not the purpose of an accident prevention and flight safety programme to apportion blame or liability.

Public transport – operator's responsibilities in relation to crew

114.—(1) The operator of an aircraft registered in the United Kingdom must not permit the aircraft to fly for the purpose of public transport without first designating from among the flight crew a pilot to be the pilot in command of the aircraft for the flight.

(2) Subject to paragraph (5), the operator of an aircraft registered in the United Kingdom must not permit any person to be a member of the crew during any public transport flight (except a flight for the sole purpose of training persons to perform duties in aircraft) unless—

(a) that person has had the training, experience, practice and periodical tests specified in Part 3 of Schedule 9 for the duties to be performed; and

(b) the operator is satisfied that person is competent to perform their duties, and in particular to use the equipment provided in the aircraft for the purpose of those duties.

(3) The operator must maintain, preserve, produce and supply information respecting records relating to the matters specified in paragraph (2) in accordance with Part 3 of Schedule 9.

(4) During any flight for the purpose of the public transport of passengers the operator of an aircraft registered in the United Kingdom must not permit any member of the flight crew to simulate emergency manoeuvres and procedures which the operator has reason to believe will adversely affect the flight characteristics of the aircraft.

(5) Paragraph (2) does not apply to the operator of a balloon registered in the United Kingdom provided that the operator—

(a) ensures that any person acting as a member of the crew during any flight for the purpose of public transport has had the training, experience, practice and periodical tests for the duties to be performed required by—

(i) paragraph 1 of Part 3 of Schedule 9 within a period of three years immediately preceding the commencement of the flight; and

(ii) paragraph 2(5)(b) of Part 3 of Schedule 9 within a period of 13 months immediately preceding the commencement of the flight; and

(b) specifies the periods mentioned in sub-paragraphs (a)(i) and (ii) in its operations manual.

Public transport – operator's responsibilities in relation to routes and aerodromes

115.—(1) The operator of an aircraft registered in the United Kingdom must not permit the aircraft to fly for the purpose of public transport without first being satisfied using every reasonable means that the aeronautical radio stations and navigational aids serving the intended route or any planned diversion are adequate for the safe navigation of the aircraft.

(2) Subject to paragraph (3), the operator of an aircraft registered in the United Kingdom must not permit the aircraft to fly for the purpose of public transport without first being satisfied using every reasonable means that—

(a) every place (whether or not an aerodrome) at which it is intended to take off or land and any alternate place (whether or not an aerodrome) at which a landing may be made are suitable for the purpose; and

(b) in particular those places will be adequately staffed and equipped and will have such staffing and equipment as may be prescribed at the time at which it is reasonably estimated such a take-off or landing will be made to ensure so far as practicable the safety of the aircraft and its passengers.

(3) The operator of an aircraft is not required for the purposes of this article to be satisfied as to the adequacy of fire-fighting, search, rescue or other services which are required only after the occurrence of an accident.

SECTION 4

Operations and training manuals

Operations manual

116.—(1) Subject to paragraphs (2) and (3), this article applies to public transport aircraft registered in the United Kingdom.

(2) This article does not apply to an aircraft used for the time being solely for flights not intended to exceed 60 minutes in duration, which are either—

(a) flights solely for training persons to perform duties in an aircraft; or

(b) flights intended to begin and end at the same aerodrome.

(3) This article does not apply to an aircraft flying, or intended by the operator of the aircraft to fly, solely under and in accordance with the terms of a police air operator's certificate.

(4) An operator of an aircraft to which this article applies must—

(a) make available to each member of the operating staff an operations manual which complies with paragraph (5);

(b) ensure that each copy of the operations manual is kept up to date; and

(c) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to the crew member's duties on the flight.

(5) An operations manual—

(a) complies with this paragraph if, subject to sub-paragraph (b), it contains all information and instructions necessary to enable the operating staff to perform their duties as such including in particular information and instructions relating to the matters specified in Part 1 of Schedule 9;

(b) is not required to contain any information or instructions available in a flight manual accessible to the persons by whom the information or instructions may be required.

(6) An aircraft to which this article applies must not fly unless, at least 30 days before such flight, the operator of the aircraft has supplied to the CAA a copy of the whole of the operations manual in effect for the aircraft.

(7) Any amendments or additions to the operations manual must be supplied to the CAA by the operator before or immediately after they come into effect.

(8) If an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously apply, that aircraft must not fly for the purpose of public transport until the amendment or addition has been supplied to the CAA.

(9) The operator must make such amendments or additions to the operations manual as the CAA may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried in it, or for the safety, efficiency or regularity of air navigation.

Training manual

117.—(1) Subject to paragraph (2), this article applies to public transport aircraft registered in the United Kingdom.

(2) This article does not apply to aircraft flying, or intended by the operator of the aircraft to fly, solely under and in accordance with the terms of a police air operator's certificate.

(3) The operator of every aircraft to which this article applies must—

(a) make available to every person appointed by the operator to give or to supervise the training, experience, practice or periodical tests required under article 114(2) a training manual which complies with paragraph (4); and

(b) ensure that each copy of that training manual is kept up to date.

(4) A training manual complies with this paragraph if it contains all information and instructions necessary to enable a person appointed by the operator to give or to supervise the training, experience, practice and periodical tests required under article 114(2) to perform that person's duties, including in particular information and instructions relating to the matters specified in Part 2 of Schedule 9.

(5) An aircraft to which this article applies must not fly unless at least 30 days before such flight the operator of the aircraft has supplied to the CAA a copy of the whole of the training manual relating to the crew of that aircraft.

(6) Any amendments or additions to the training manual must be supplied to the CAA by the operator before or immediately after they come into effect.

(7) If an amendment or addition relates to training, experience, practice or periodical tests on an aircraft to which the training manual did not previously apply, that aircraft must not fly for the purpose of public transport until the amendment or addition has been supplied to the CAA.

(8) The operator must make such amendments or additions to the training manual as the CAA may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried in it, or for the safety, efficiency or regularity of air navigation.

SECTION 5

Equipment

Wearing of survival suits by crew

118.—(1) Paragraph (2) does not apply to any member of the crew of an aircraft flying under and in accordance with the terms of a police air operator's certificate.

(2) Each member of the crew of an aircraft registered in the United Kingdom must wear a survival suit if such a suit is required to be carried by article 119 and Part 1 of Schedule 6.

Equipment of public transport aircraft

119.—(1) This article applies to public transport aircraft registered in the United Kingdom.

(2) An aircraft to which this article applies must not fly unless it is equipped and marked in accordance with Schedule 6 (aircraft equipment).

(3) The equipment in Schedule 6 must be—

(a) of a type approved by EASA or the CAA either generally or in relation to a class of aircraft or in relation to that aircraft, unless it is equipment listed in paragraph 3 of that Schedule; and

(b) installed in a manner approved by EASA or the CAA.

(4) The equipment carried in compliance with this article must be installed or stowed and kept stowed, maintained and adjusted, so as to be readily accessible and capable of being used by the person for whose use it is intended.

(5) The position of equipment provided for emergency use must be indicated by clear markings in or on the aircraft.

(6) In every such aircraft registered in the United Kingdom there must be provided individually for each passenger or, if the CAA so permits in writing, exhibited in a prominent position in every passenger compartment, a notice which complies with paragraph (7).

(7) A notice complies with this paragraph if it is relevant to the aircraft in question and contains pictorial—

(a) instructions on the brace position to be adopted in the event of an emergency landing;

(b) instructions on the method of use of the safety belts and safety harnesses as appropriate;

(c) information as to where emergency exits are to be found and instructions as to how they are to be used; and

(d) information as to where the lifejackets, escape slides, life rafts and oxygen masks, if required to be provided by paragraph (2), are to be found and instructions as to how they are to be used.

(8) The operator of a helicopter on which a vibration health monitoring system is required to be carried by paragraph 4(12) of Part 1 of Schedule 6 must operate that equipment in accordance with procedures approved by the CAA.

Functioning of exits – commercial air transport aeroplanes and public transport aeroplanes and helicopters

120.—(1) This article applies to A to A commercial air transport aeroplanes, public transport aeroplanes and public transport helicopters registered in the United Kingdom.

(2) Subject to paragraph (5), whenever an aeroplane or helicopter to which this article applies is carrying passengers, every exit from the aeroplane or helicopter and every internal door in the aeroplane or helicopter must be in working order.

(3) Subject to paragraph (4), during take-off and landing and during any emergency, every exit and door in the aeroplane or helicopter must be kept free of obstruction and must not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers.

(4) In the case of—

(a) an exit which, in accordance with arrangements approved by the CAA either generally or in relation to a class of aeroplane or helicopter or a particular aeroplane or helicopter, is not required for use by passengers, the exit may be obstructed by cargo;

(b) a door between the flight crew compartment and any adjacent compartment to which passengers have access, the door may be locked or bolted if the pilot in command of the aeroplane or helicopter so determines, for the purpose of preventing access by passengers to the flight crew compartment;

(c) any internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aeroplane or helicopter in an emergency if it is not in working order, paragraph (3) does not apply.

(5) Subject to compliance with paragraph (6), if one, but not more than one, exit from an aeroplane or helicopter becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this article prevents that aeroplane or helicopter from carrying passengers until it next lands at a place where the exit can be repaired or replaced.

(6) This paragraph is complied with if—

(a) the number of passengers carried and the position of the seats which they occupy are in accordance with arrangements approved by the CAA either in relation to the particular aeroplane or helicopter or to a class of aeroplane or helicopter; and

(b) in accordance with arrangements so approved, the inoperative exit is fastened by locking or otherwise, the words "exit" or "emergency exit" are covered, and the exit is marked by a red disc at least 23 centimetres in diameter with a horizontal white bar across it bearing the words "No Exit" in red letters.

Marking of exits – commercial air transport aeroplanes and public transport aeroplanes and helicopters

121.—(1) This article applies to A to A commercial air transport aeroplanes, public transport aeroplanes and public transport helicopters registered in the United Kingdom.

(2) An operator must ensure that every exit from an aeroplane or helicopter to which this article applies is marked in accordance with this article.

(3) Every exit from such an aeroplane or helicopter must be marked on interior surfaces with the words "exit" or "emergency exit" in capital letters, which must be red in colour and if necessary outlined in white to contrast with the background.

(4) Every exit from such an aeroplane or helicopter must be marked on exterior surfaces with the words "exit" or "emergency exit" in capital letters, which must be located on a background which provides adequate contrast.

(5) Every exit from such an aeroplane or helicopter must be marked on interior surfaces on or near the inside surface of the door or other closure of the exit with instructions in English and with diagrams to indicate the correct method of opening the exit, which must be red in colour and located on a background which provides adequate contrast.

(6) Every exit from such an aeroplane or helicopter which may be opened from the outside must be marked on or near the exterior surface of the door or other closure of the exit with instructions in English and with diagrams to indicate the correct method of opening the exit, which must be located on a background which provides adequate contrast.

(7) The markings required by this article must be—

(a) painted, or affixed by other equally permanent means; and

(b) kept clean and unobscured at all times.

SECTION 6

Loading

Operator's duty concerning the loading of public transport aircraft

122.—(1) This Section applies to an aircraft registered in the United Kingdom which is being loaded for a public transport flight.

(2) The operator of an aircraft to which this Section applies must not cause or permit it to be loaded except in accordance with this Section.

(3) In this Section, loading includes the suspension of a load from the aircraft.

Requirement to load in accordance with loading instructions

123.—(1) An aircraft to which this Section applies may only be loaded under the supervision of a person whom the operator has caused to be supplied with written instructions as to the distribution and securing of the load (in this Section called "the loading instructions") which—

(a) conform with paragraph (3); and

(b) subject to article 126(1), conform with paragraph (4).

(2) The operator must not cause or permit the aircraft to be loaded in contravention of the loading instructions.

(3) Loading instructions conform with this paragraph if they ensure—

(a) the load may safely be carried on the flight; and

(b) any conditions of the certificate of airworthiness or flight manual for the aircraft relating to the loading of the aircraft are complied with.

(4) Loading instructions conform with this paragraph if they—

(a) indicate the additional items included in the weight of the aircraft prepared for service;

(b) show the position of the centre of gravity of the aircraft at that weight; and

(c) indicate the weight of the aircraft prepared for service.

(5) In sub-paragraph (4)(c), the weight of the aircraft prepared for service means the aggregate of the weight of the aircraft, shown in the weight schedule referred to in article 43, and the weight of such additional items in or on the aircraft as the operator thinks fit to include.

Requirement for a load sheet

124.—(1) Subject to article 126(1) and (2), the person supervising the loading of an aircraft to which this Section applies must—

(a) before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the prescribed requirements; and

(b) if not the pilot in command of the aircraft, submit the load sheet for examination by the pilot in command of the aircraft who must sign it.

(2) Subject to paragraph (3), one copy of the load sheet—

(a) must be carried in the aircraft when article 229 so requires until the flights to which it relates have been completed; and

(b) together with the loading instructions, must be preserved by the operator for at least six months after the flights and must not be carried in the aircraft.

(3) In the case of—

(a) an aeroplane which has a maximum take-off mass of not more than 2,730kg; or

(b) a helicopter,

if it is not reasonably practicable for the copy of the load sheet to be kept on the ground it may be carried in the aeroplane or helicopter in a container approved by the CAA for that purpose.

Carriage of baggage

125.—(1) Subject to paragraph (2), the operator of an aircraft registered in the United Kingdom and flying for the purpose of the public transport of passengers must not cause or permit baggage to be carried in the passenger compartment of the aircraft unless—

(a) the baggage can be properly secured; and

(b) in the case of an aircraft capable of seating more than 30 passengers, the amount of baggage does not exceed the capacity of the spaces in the passenger compartment approved by the CAA for the purpose of stowing baggage.

(2) Paragraph (1)(b) does not apply to baggage carried in accordance with a permission issued under article 106(4)(c)(ii).

Loading instructions: exceptions

126.—(1) The loading instructions need not conform with article 123(4) and article 124(1) does not apply if the aircraft—

(a) has a maximum take-off mass of not more than 1,150kg;

(b) has a maximum take-off mass of not more than 2,730kg and the flight is—

(i) solely for training persons to perform duties in an aircraft and intended not to exceed 60 minutes in duration; or

(ii) intended to begin and end at the same aerodrome and not to exceed 60 minutes in duration; or

(c) is a helicopter which—

(i) has a maximum take-off mass of not more than 3,000kg; and

(ii) a total seating capacity of not more than five persons.

(2) Article 124(1) does not apply if—

(a) the load and the way it is to be distributed and secured on the next intended flight are to be unchanged from the previous flight; and

(b) the pilot in command of the aircraft makes and signs an endorsement to that effect on the load sheet for the previous flight, indicating—

(i) the date of the endorsement;

(ii) the place of departure on the next intended flight; and

(iii) the next intended place of destination.

SECTION 7

Performance requirements and operating minima

Aeroplanes registered in the United Kingdom – public transport operating conditions and performance requirements

127.—(1) An aeroplane registered in the United Kingdom and flying for the purpose of public transport must comply with section 1 of Subpart C of Part-CAT unless it is flying under and in accordance with a permission granted to the operator by the CAA under paragraph (5).

(2) The assessment of the ability of an aeroplane to comply with paragraph (1) must be based on the information as to its performance approved by the State of design and contained in the flight manual for the aeroplane.

(3) In the event of the approved information in the flight manual being insufficient for that purpose such assessment must be based on additional data acceptable to the CAA.

(4) The Secretary of State may prescribe requirements for aeroplanes registered in the United Kingdom, which are neither EU-OPS aeroplanes nor Part-CAT aeroplanes, in respect of their weight and related performance and flight in specified meteorological conditions or at night.

(5) The CAA may grant for any aeroplane a permission authorising it to comply with the applicable provisions of the requirements prescribed in accordance with paragraph (4).

(6) Subject to paragraph (8), an aeroplane to which this paragraph applies must fly at such an altitude as would enable the aeroplane—

(a) if it has one engine only, in the event of the failure of that engine; or

(b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness or flight manual for the aeroplane,

to reach a place at which it can safely land at a height sufficient to enable it to do so.

(7) Paragraph (6) applies to an aeroplane registered in the United Kingdom flying under and in accordance with a permission granted by the CAA under paragraph (5) and flying over water for the purpose of public transport.

(8) Paragraph (6) does not apply to an aeroplane flying as may be necessary for the purpose of taking off or landing.

(9) Without prejudice to paragraph (6), an aeroplane to which this paragraph applies must not fly over water for the purpose of public transport so as to be more than 60 minutes flying time from the nearest shore, unless the aeroplane has more than two power units.

(10) Paragraph (9) applies to an aeroplane flying under and in accordance with a permission granted by the CAA under paragraph (5) if either that permission or the certificate of airworthiness of the aeroplane designates the aeroplane as being of performance group X.

(11) For the purposes of paragraph (9), flying time is calculated at normal cruising speed with one power unit inoperative.

Helicopters registered in the United Kingdom – public transport operating conditions and performance requirements

128.—(1) The Secretary of State may prescribe requirements for helicopters registered in the United Kingdom which are not Part-CAT helicopters in respect of their weight and related performance and flight in specified meteorological conditions or at night.

(2) Subject to paragraph (3), a helicopter registered in the United Kingdom must not fly for the purpose of public transport unless the helicopter complies with the applicable provisions of the requirements which have been prescribed for its weight and related performance and flight in specified meteorological conditions or at night.

(3) Paragraph (2) does not apply to a flight for the sole purpose of training persons to perform duties in a helicopter.

(4) The assessment of the ability of a helicopter to comply with paragraph (2) must be based on the information as to its performance approved by the State of design and contained in the flight manual for the helicopter.

(5) In the event of the approved information in the flight manual being insufficient for that purpose the assessment must be based on additional data acceptable to the CAA.

(6) Subject to paragraph (7), a helicopter registered in the United Kingdom when flying over water for the purpose of public transport must fly at such an altitude as would enable the helicopter—

(a) if it has one engine only, in the event of the failure of that engine; or

(b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness or flight manual for the helicopter,

to reach a place at which it can safely land at a height sufficient to enable it to do so.

(7) Paragraph (6) does not apply to a helicopter flying as may be necessary for the purpose of taking off or landing.

Helicopters registered in the United Kingdom carrying out Performance Class 3 operations

129.—(1) Without prejudice to article 128(6), a helicopter registered in the United Kingdom carrying out a Performance Class 3 operation must comply with paragraphs (2), (3), (4) and (5).

(2) The helicopter must not fly over water for the purpose of public transport in the specified circumstances unless it is equipped with the required apparatus.

(3) If the helicopter is equipped with the required apparatus and is flying under and in accordance with the terms of a national air operator's certificate, it must not fly in the specified circumstances on any flight for more than three minutes except with the permission in writing of the CAA.

(4) If the helicopter is equipped with the required apparatus and is flying on a flight under and in accordance with the terms of a police air operator's certificate on which—

(a) is carried any passenger who is not a permitted passenger, it must not fly in the specified circumstances on any flight for more than 20 minutes; or

(b) no passenger is carried other than a permitted passenger, it must not fly over water on any flight for more than 10 minutes while more than five minutes from a point from which it can make an autorotative descent to land suitable for an emergency landing.

(5) The helicopter must not fly for the purpose of public transport over that part of the bed of the River Thames which lies between the following points—

(a) Hammersmith Bridge (512918N) (0001351W); and

(b) Greenwich Reach (512906N) (0000043W),

between the ordinary high water marks on each of its banks unless it is equipped with the required apparatus.

(6) A helicopter registered in the United Kingdom which is specified in its flight manual as being in either Group A or Category A may fly for the purpose of public transport in accordance with the weight and related performance requirements prescribed for helicopters carrying out Performance Class 3 operations if—

(a) the maximum take-off mass for the helicopter is less than 3,175kg; and

(b) not more than nine passengers are carried.

(7) For the purposes of this article, flying time must be calculated on the assumption that a helicopter is flying in still air at the speed specified in the flight manual for the helicopter as the speed for compliance with regulations governing flights over water.

(8) In this article—

"permitted passenger" means—

(a) a police officer;

(b) an employee of a police authority in the course of their duty;

(c) a medical attendant;

(d) the holder of a valid pilot's licence who intends to act as a member of the flight crew of an aircraft flying under and in accordance with the terms of a police air operator's certificate and who is being carried for the purpose of training or familiarisation;

(e) a CAA Flight Operations Inspector;

(f) a Home Office police aviation adviser;

(g) an employee of a fire and rescue authority under the Fire and Rescue Services Act 2004(**a**);

(h) an Officer of Revenue and Customs;

(i) an employee of the Ministry of Defence in the course of their duty; or

(j) such other person being carried for purposes connected with police operations as may be permitted by the CAA;

"required apparatus" means apparatus approved by the CAA enabling the helicopter to which it is fitted to land safely on water; and

"specified circumstances" means, in respect of a helicopter, circumstances in which it is more than 20 seconds flying time from a point from which it can make an autorotative descent to land suitable for an emergency landing.

Helicopters registered in the United Kingdom carrying out Performance Class 1 operations and Performance Class 2 operations

130.—(1) Without prejudice to article 128(6), a helicopter registered in the United Kingdom carrying out a Performance Class 1 operation or Performance Class 2 operation which is flying under and in accordance with the terms of—

(**a**) 2004 c.21.

(a) a national air operator's certificate, must not fly over water for the purpose of public transport for more than 15 minutes during any flight unless it is equipped with the required apparatus;

(b) a police air operator's certificate on which any passenger is carried who is not a permitted passenger and which is not equipped with the required apparatus, must not fly over any water on any flight for more than 15 minutes.

(2) A helicopter registered in the United Kingdom which is specified in its flight manual as being in either Group A or Category A may fly for the purpose of public transport in accordance with the weight and related performance requirements prescribed for helicopters carrying out a Performance Class 2 operation if—

(a) the maximum take-off mass of the helicopter is less than 5,700kg; and

(b) not more than 15 passengers are carried on the helicopter.

(3) In this article "permitted passenger", "required apparatus" and "specified circumstances" have the same meaning as in article 129(8).

Public transport aircraft registered in the United Kingdom – aerodrome operating minima

131.—(1) This article applies to public transport aircraft registered in the United Kingdom.

(2) Subject to paragraphs (3) and (4), the operator of an aircraft to which this article applies must establish and include in the operations manual or the police operations manual relating to the aircraft the required information.

(3) In relation to any flight where—

(a) neither an operations manual nor a police operations manual is required by this Order; or

(b) it is not practicable to include the required information in the operations manual or the police operations manual,

the operator must comply with paragraph (4).

(4) If this paragraph applies the operator of the aircraft must—

(a) before the commencement of the flight, cause to be supplied in writing to the pilot in command of the aircraft the required information calculated in accordance with the required data and instructions provided in accordance with paragraph (5) or (6); and

(b) cause a copy of the required information to be retained on the ground for at least three months after the flight.

(5) The operator of an aircraft for which an operations manual or a police operations manual is required by this Order, must include in that operations manual the required data and instructions.

(6) The operator of an aircraft for which neither an operations manual nor a police operations manual is required by this Order must—

(a) before the commencement of the flight, cause to be supplied in writing to the pilot in command of the aircraft the required data and instructions; and

(b) cause a copy of the required data and instructions to be retained on the ground for at least three months after the flight.

(7) The specified aerodrome operating minima must not permit a landing or take-off in circumstances where the relevant aerodrome operating minima declared by the competent authority would prohibit it, unless that authority otherwise permits in writing.

(8) In establishing aerodrome operating minima for the purposes of this article the operator of the aircraft must take into account—

(a) the type and performance and handling characteristics of the aircraft and any relevant conditions in its certificate of airworthiness;

(b) the composition of its crew;

(c) the physical characteristics of the relevant aerodrome and its surroundings;

(d) the dimensions of the runways which may be selected for use; and

(e) in relation to any aids, visual or otherwise, to assist aircraft in approach, landing or take-off, being aids which the crew of the aircraft are trained and equipped to use—

(i) whether or not there are such aids in use at the relevant aerodrome;

(ii) the nature of any such aids that are in use; and

(iii) the procedures for approach, landing and take-off which may be adopted according to the existence or absence of such aids.

(9) The operator must establish in relation to each runway which may be selected for use such aerodrome operating minima as are appropriate to each set of circumstances which may reasonably be expected.

(10) An aircraft to which this article applies must not commence a flight at a time when—

(a) the cloud ceiling or the runway visual range at the aerodrome of departure is less than the relevant minimum specified for take-off; or

(b) according to the information available to the pilot in command of the aircraft it would not be able without contravening paragraphs (11) or (12), to land at the aerodrome of intended destination at the estimated time of arrival there and at any destination alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive there.

(11) An aircraft to which article 116 applies, when making a descent to an aerodrome, must not descend from a height of 1,000 feet or more above the aerodrome to a height less than 1,000 feet above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

(12) An aircraft to which this article applies, when making a descent to an aerodrome, must not—

(a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or

(b) descend below the relevant specified minimum descent height,

unless in either case from such height the specified visual reference for landing is established and is maintained.

(13) If, according to the information available, an aircraft would as regards any flight be required to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the pilot in command of the aircraft must select before take-off a destination alternate aerodrome unless no aerodrome suitable for that purpose is available.

(14) In this article—

"the required information" means detailed information about the aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every destination alternate aerodrome;

"specified" in relation to aerodrome operating minima means such detailed information about aerodrome operating minima as has been specified by the operator in, or are ascertainable by reference to, the operations manual relating to that aircraft, or supplied in writing to the pilot in command of the aircraft by the operator in accordance with paragraph (4); and

"the required data and instructions" means such data and instructions as will enable the pilot in command of the aircraft to calculate the aerodrome operating minima appropriate to aerodromes the use of which cannot reasonably have been foreseen by the operator before the commencement of the flight.

Public transport aircraft registered elsewhere than in the United Kingdom – aerodrome operating minima

132.—(1) This article applies to public transport aircraft registered elsewhere than in the United Kingdom.

(2) An aircraft to which this article applies must not fly in or over the United Kingdom unless the operator has made available to the flight crew aerodrome operating minima which comply with paragraph (3) for every aerodrome at which it is intended to land or take off and every destination alternate aerodrome.

(3) The aerodrome operating minima provided in accordance with paragraph (2) must be no less restrictive than either—

(a) minima calculated in accordance with the notified method for calculating aerodrome operating minima; or

(b) minima which comply with the law of the country in which the aircraft is registered,

whichever are the more restrictive.

(4) An aircraft must not undertake low visibility operations otherwise than under and in accordance with the terms of an approval to do so granted in accordance with the law of the country in which it is registered.

(5) An aircraft must not take off from or land at an aerodrome in the United Kingdom in contravention of the specified aerodrome operating minima.

(6) Without prejudice to paragraphs (4) and (5), when making a descent to an aerodrome an aircraft must not descend from a height of 1,000 feet or more above the aerodrome to a height of less than 1,000 feet above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

(7) Without prejudice to paragraphs (4) and (5), when making a descent to an aerodrome an aircraft must not—

(a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or

(b) descend below the relevant specified minimum descent height,

unless, in either case, the specified visual reference for landing is established and maintained from such height.

(8) In this article, "specified" means specified by the operator in the aerodrome operating minima made available to the flight crew under paragraph (2).

A to A commercial air transport aeroplane operations and public transport flights by aeroplanes at night or in specified meteorological conditions

133.—(1) This article applies to any aeroplane which is—

(a) registered elsewhere than in the United Kingdom;

(b) powered by one power unit only; and

(c) flying on an A to A commercial air transport aeroplane operation or a public transport flight.

(2) An aeroplane to which this article applies must not fly—

(a) at night; or

(b) when there is prevailing at the aerodrome of departure or forecast for the estimated time of landing at the aerodrome at which it is intended to land or at any destination alternate aerodrome—

(i) a cloud ceiling of less than 1,000 feet; or

(ii) visibility of less than one nautical mile.

SECTION 8

State aircraft operations

Requirement for, and grant of, police air operator's certificate

134.—(1) A flight by an aircraft registered in the United Kingdom in the service of a police authority is, for the purposes of this Order, deemed to be a public transport flight.

(2) If any passenger is carried on such a flight it is deemed to be for the purpose of the public transport of passengers.

(3) Save as otherwise expressly provided, the provisions of this Order and of any regulations made under this Order must be complied with in relation to a flight in the service of a police authority as if that flight were for the purpose of public transport or the public transport of passengers.

(4) An aircraft registered in the United Kingdom must not fly on any flight in the service of a police authority otherwise than under and in accordance with the terms of—

(a) a police air operator's certificate granted to the operator;

(b) a national air operator's certificate granted to the operator;

(c) both—

(i) a Part-CAT air operator certificate granted to the operator; and

(ii) Part-CAT and Part-ORO as though the flight were a commercial air transport operation; or

(d) a permission given by the CAA.

Police operations manual

135.—(1) This article applies to an aircraft flying, or intended by the operator of the aircraft to fly, solely under and in accordance with the terms of a police air operator's certificate.

(2) An aircraft to which this article applies must not fly except under and in accordance with the terms of Part 1 and Part 2 of a police operations manual, Part 1 of which must have been approved for the aircraft by the CAA.

(3) The operator of every aircraft to which this article applies must—

(a) make available to each member of its operating staff a police operations manual which complies with paragraph (4);

(b) ensure that each copy of the operations manual is kept up to date; and

(c) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to the crew member's duties on the flight.

(4) A police operations manual complies with this paragraph if it contains all information and instructions necessary to enable the operating staff to perform their duties as such.

(5) An aircraft to which this article applies must not fly unless, at least 30 days before such flight, the operator of the aircraft has supplied to the CAA a copy of Part 2 of the police operations manual in effect for the aircraft.

(6) Any amendments or additions to Part 2 of the police operations manual must be supplied to the CAA by the operator before or immediately after they come into effect.

(7) If an amendment or addition relates to the operation of an aircraft to which the police operations manual did not previously apply, that aircraft must not fly in the service of a police authority under and in accordance with the terms of the police operator's certificate until the amendment or addition has been supplied to the CAA.

(8) The operator must make such amendments or additions to the police operations manual as the CAA may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried in it, or for the safety, efficiency or regularity of air navigation.

PART 6

Aircrew

CHAPTER 1

Flight crew licensing – requirement for licence

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

136.—(1) Subject to paragraph (2), a person must not act as a pilot of an EASA aircraft that is registered in the United Kingdom—

(a) without holding an appropriate licence granted, converted or rendered valid under the EASA Aircrew Regulation; or

(b) unless—

(i) the person—

(aa) holds an appropriate licence granted under article 152; and

(bb) acts as a pilot of an EASA aircraft pursuant to the derogation in article 12 of the EASA Aircrew Regulation; or

(ii) the aircraft is a glider and is being flown otherwise than for the purpose of public transport.

(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.

(3) Subject to the exceptions set out in articles 139 and 144 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

137.—(1) Subject to articles 139 to 147, 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 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

138. An appropriate licence for the purposes of this Part and Schedule 8 means a licence which entitles the holder to perform the functions being undertaken in relation to the aircraft concerned on the particular flight.

Flight crew licence requirement – exception to act as flight radiotelephony operator

139.—(1) A person may act as a flight radiotelephony operator within the United Kingdom, the Channel Islands and the Isle of Man without being the holder of an appropriate licence granted or rendered valid under this Order, if the conditions in paragraph (2) apply.

(2) The conditions referred to in paragraph (1) are that the person is—

(a) the pilot of a balloon or glider and does not communicate by radiotelephony with any air traffic control unit, flight information unit or air/ground communications service unit; or

(b) being trained in an aircraft registered in the United Kingdom to perform duties as a member of the flight crew of an aircraft.

Flight crew licence requirement – exception for solo flying training in non-EASA aircraft

140.—(1) A person may act as pilot in command of a non-EASA aircraft for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating or certificate in a pilot's licence within the United Kingdom, the Channel Islands and the Isle of Man, without being the holder of an appropriate licence granted or rendered valid under this Order, if the conditions in paragraph (2) are satisfied.

(2) The conditions referred to in paragraph (1) are that—

(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;

(b) the person satisfies the requirements of paragraph (3);

(c) no other person is carried in the aircraft;

(d) the aircraft is not flying for the purpose of commercial air transport, public transport or commercial operation other than commercial operation which consists of the giving of instruction in flying or the conducting of flying examinations; and

(e) the person acts in accordance with instructions given by another person holding a pilot's licence granted under this Order or a Part-FCL licence, in each case being a licence which includes a flight instructor rating, a flight instructor certificate or a flight instructor (restricted) certificate entitling that other person to give instruction in flying the type of aircraft being flown.

(3) A person satisfies the requirements of this paragraph if the person—

(a) is the holder of a valid medical certificate issued in accordance with article 161 and complies with any conditions subject to which that certificate was issued;

(b) is the holder of a valid medical certificate issued in accordance with paragraph MED.A.030 of Part-MED and complies with any conditions subject to which that certificate was issued; or

(c) is the holder of a valid medical declaration made in accordance with article 163 which would be required by virtue of article 163(2) for the person to exercise the privileges of the relevant licence or rating.

Flight crew licence requirement – exception for dual flying training in non-EASA aircraft

141.—(1) A person may act as pilot of a non-EASA aircraft of which the flight crew required to be carried by or under this Order is not more than one pilot for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating or certificate in a pilot's licence within the United Kingdom, the Channel Islands and the Isle of Man, without being the holder of an appropriate licence granted or rendered valid under this Order, if the conditions in paragraph (2) are satisfied.

(2) The conditions referred to in paragraph (1) are that—

(a) the aircraft is not flying for the purpose of commercial air transport, public transport or commercial operation other than commercial operation which consists of the giving of instruction in flying or the conducting of flying examinations;

(b) the person acts in accordance with instructions given by another person holding a pilot's licence granted under this Order or a Part-FCL licence, in each case being a licence which includes a flight instructor rating, a flight instructor certificate or an flight instructor (restricted) certificate entitling that other person to give instruction in flying the type of aircraft being flown; and

(c) the aircraft is fitted with—

(i) dual controls and the person is accompanied in the aircraft by the instructor who is seated at the other set of controls; or

(ii) controls designed for and capable of use by two persons and the person is accompanied in the aircraft by the instructor who is seated so as to be able to use the controls.

Flight crew licence requirement – exception for balloons

142.—(1) A person may act as pilot in command of a balloon within the United Kingdom, the Channel Islands and the Isle of Man, without being the holder of an appropriate licence granted or rendered valid under this Order if the conditions in paragraph (2) are satisfied.

(2) The conditions referred to in paragraph (1) are that—

(a) the person is the holder of an appropriate licence granted or rendered valid under this Order in all respects save that the person has not within the immediately preceding 13 months carried out as pilot in command at least five flights each of not less than five minutes duration;

(b) the person acts in accordance with instructions given by a person authorised by the CAA—

(i) to supervise flying in the type of balloon being flown ("the instructor"); or

(ii) to conduct such examinations or tests in the type of balloon being flown ("the examiner") as the CAA may require;

(c) no person is carried other than—

(i) 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; or

(ii) the examiner; and

(d) the balloon is not flying for the purpose of commercial air transport, public transport or commercial operations other than commercial operations which consist of the giving of instruction in flying or the conducting of flying examinations.

Flight crew licence requirement – exception for pilot undergoing training or tests in non-EASA aircraft

143.—(1) Unless the certificate of airworthiness in force for the aircraft otherwise requires, a person may act as pilot of a non-EASA aircraft registered in the United Kingdom for the purpose of undergoing training or tests for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating or certificate without being the holder of an appropriate licence, if the conditions in paragraph (2) and either paragraph (3) or (4) are satisfied.

(2) The condition first referred to in paragraph (1) is that no other person is carried in the aircraft or in an aircraft which it is towing except—

(a) a person carried as a member of the flight crew in compliance with this Order;

(b) a person authorised by the CAA to witness the training or tests or to conduct the tests; or

(c) if the pilot in command of the aircraft is the holder of an appropriate licence, a person carried for the purpose of being trained or tested as a member of the flight crew of an aircraft.

(3) The conditions secondly referred to in paragraph (1) are that the person acting as the pilot of the aircraft without being the holder of an appropriate licence—

(a) within the preceding six months was serving as a qualified pilot of an aircraft in any of Her Majesty's naval, military or air forces; and

(b) the person's physical condition has not, so far as the person is aware, so deteriorated during that period as to render the person unfit for the licence or rating for which the training or tests are being given or conducted.

(4) The conditions thirdly referred to in paragraph (1) are that the person acting as the pilot of the aircraft without being the holder of an appropriate licence—

(a) holds a Part-FCL licence or a pilot's, a flight navigator's or a flight engineer's licence granted under article 152;

(b) the purpose of the training or tests is to enable that person to qualify under this Order for the grant of a pilot's licence or for the inclusion of an additional type in the aircraft rating in that person's licence; and

(c) the person acts under the supervision of another person who is the holder of an appropriate licence.

Flight crew licence requirement – exception for navigators and flight engineers in non-EASA aircraft

144. A person may act as a member of the flight crew (otherwise than as a pilot) of a non-EASA aircraft registered in the United Kingdom without being the holder of an appropriate licence if—

(a) the flight is for the purpose of undergoing training or tests for the grant or renewal of a flight navigator's or a flight engineer's licence or for the inclusion, renewal or extension of a rating in such a licence; and

(b) the person acts under the supervision and in the presence of another person who is the holder of the type of licence or rating for which the person undergoing the training or tests is being trained or tested.

Flight crew licence requirement – exception for members of HM Forces

145. A person may act as a member of the flight crew of an aircraft registered in the United Kingdom without being the holder of an appropriate licence if, in so doing, the person is acting in the course of his or her duty as a member of any of Her Majesty's naval, military or air forces.

Flight crew licence requirement – exception for non-EASA gliders

146. A person may act as the pilot in command or co-pilot of a non-EASA glider without being the holder of an appropriate licence if the flight is not for the purpose of public transport.

Flight crew licence requirement – exception for non-EASA aircraft where CAA permission granted

147.—(1) Nothing in this Order prohibits the holder of a pilot's licence from acting as pilot of a non-EASA aircraft certificated for single pilot operation if the holder is testing any person for the purposes of articles 152(1) and (7), 154(2), 155(2), 156 or 157 with the permission of the CAA.

(2) Paragraph (1) applies even though—

(a) the type of aircraft in which the test is conducted is not specified in an aircraft rating included in the licence; or

(b) the licence or personal flying log book does not include a valid certificate of test, experience or revalidation for the type of aircraft.

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

148.—(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 commercial operation, 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 non-commercial 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

149.—(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.

(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.

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

150.—(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 in respect of a non-EASA aircraft registered in the United Kingdom.

(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 to act as a member of the flight crew of any aircraft flying for the purpose of public transport or commercial air transport.

(5) The restriction in paragraph (4) does not apply to 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 Chapter 2 of Part 2 of Schedule 8, appropriate for a microlight aeroplane class rating.

(7) A Part-FCL licence which—

(a) authorises the holder to exercise the privileges of a Part-FCL light aircraft pilot licence or a Part-FCL private pilot licence; and

(b) is valid in all respects save that the holder does not hold a medical certificate,

is deemed to be a licence rendered valid under this Order is the requirements of paragraph (8) are satisfied.

(8) The requirements are that the holder—

(a) has made a medical declaration in accordance with article 163(3); and

(b) complies with the conditions in article 163(5).

(9) The holder of a Part-FCL licence deemed to be rendered valid under paragraph (7) may only exercise the privileges of an equivalent private pilot licence granted under article 152.

Permission required where pilot's licence does not meet relevant minimum standards

151.—(1) This article applies to any pilot's licence, other than a Part-FCL licence, endorsed to the effect that the holder does not satisfy in full the relevant minimum standards established under the Chicago Convention.

(2) The holder of such a licence, which has been granted or rendered valid under this Order, must not act as a member of the flight crew of an aircraft registered in the United Kingdom in or over the territory of a Contracting State other than the United Kingdom, except in accordance with a permission granted by the competent authority of that State.

(3) The holder of a pilot's licence, which has been granted or rendered valid under the law of a Contracting State other than the United Kingdom, must not act as a member of the flight crew of any aircraft in or over the United Kingdom except in accordance with a permission granted by the CAA, whether or not the licence is rendered valid under this Order.

CHAPTER 2

Flight crew licensing – grant of licence and maintenance of privileges

Grant, renewal and privileges of United Kingdom flight crew licences

152.—(1) Subject to article 172, the CAA or a person approved by the CAA for that purpose must grant licences of any of the classes specified in Part 1 of Schedule 8, authorising the holder to act as a member of the flight crew of a non-EASA aircraft registered in the United Kingdom, 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, skill and physical and mental fitness 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 assessments, examinations and tests (including in particular medical assessments and

examinations) and undertake such courses of training as the CAA or a person approved by the CAA for that purpose may require.

(3) A licence granted under this article is not valid unless it has been signed by the holder in ink or indelible pencil.

(4) Subject to article 253—

(a) a licence granted under this article remains in force for the period indicated in the licence, not exceeding the period specified for a licence of that class in Part 1 of Schedule 8;

(b) if no period is indicated in the licence, it remains in force for the lifetime of the holder.

(5) A licence granted under this article may be renewed by the CAA or a person approved by the CAA for that purpose on being satisfied that the applicant is a fit person and is qualified in accordance with paragraph (1).

(6) A licence granted under this article must not be granted to any person who is under the minimum age specified for that class of licence in Part 1 of Schedule 8.

(7) Nothing in this Order obliges the CAA or a person approved by the CAA for that purpose to accept an application for the issue of a National Private Pilot's Licence when the application is not supported by such reports from such persons approved under article 268 as the CAA or a person approved by the CAA for that purpose may specify, either generally or in a particular case or class of cases.

(8) Subject to any conditions of the licence including those specified in Part 1 of Schedule 8, the other provisions of this Part and article 253, a licence of any class entitles the holder to exercise the privileges specified for that licence in Chapter 1 of Part 1 of that Schedule under the heading "Privileges" or Chapters 2 or 3 of Part 1 of that Schedule under the heading "Privileges and conditions" on a non-EASA aircraft.

(9) The CAA or a person approved by the CAA for that purpose may grant a licence subject to such conditions it deems appropriate.

Ratings and certificates

153.—(1) The CAA may include—

(a) in any United Kingdom licence any rating or certificate specified in Chapter 1 or 2 of Part 2 of Schedule 8;

(b) in any National Private Pilot's Licence (Aeroplanes) any rating or certificate specified in Chapter 2 of Part 2 of Schedule 8;

(c) in any National Private Pilot's Licence (Helicopters) any rating or certificate specified in Chapter 3 of Part 2 of Schedule 8.

(2) The CAA must include a rating or certificate if it is satisfied that the applicant is qualified by having the knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the rating or certificate relates.

(3) A rating or certificate is deemed to form part of the licence.

(4) A rating or certificate of any class entitles the holder of the licence in which the rating or certificate is included to exercise the privileges specified for that rating or certificate in Part 2 of Schedule 8 on a non-EASA aircraft.

(5) The CAA may grant a rating or certificate subject to such conditions as it deems appropriate.

Maintenance of privileges of aircraft ratings specified in Chapter 1 of Part 2 of Schedule 8 in United Kingdom pilot licences for balloons, airships and gyroplanes

154.—(1) This article applies to United Kingdom airship, balloon and gyroplane licences.

(2) Subject to paragraphs (3), the holder of such a pilot licence is not entitled to exercise the privileges of an aircraft rating specified in Chapter 1 of Part 2 of Schedule 8 which is included in the licence on a flight unless—

(a) the licence has a certificate of revalidation for the rating;

(b) the certificate is appropriate to the functions to be performed on that flight in accordance with Chapter 1 of Part 3 of Schedule 8; and

(c) the certificate is issued and valid in accordance with Chapter 1 of Part 3 of Schedule 8.

(3) The holder of a United Kingdom Private Pilot's Licence (Balloons and Airships) is entitled to exercise the privileges of an aircraft rating specified in Chapter 1 of Part 2 of Schedule 8 which is included in the licence on a flight if the licence does not have a certificate referred to in paragraph (2).

Maintenance of privileges of aircraft ratings specified in Chapter 1 of Part 2 of Schedule 8 in United Kingdom aeroplane and helicopter licences

155.—(1) This article applies to United Kingdom aeroplane and helicopter licences.

(2) The holder of a licence to which this article applies is not entitled to exercise the privileges of an aircraft rating specified in Chapter 1 of Part 2 of Schedule 8 which is included in the licence on a flight unless—

(a) the licence has a certificate of revalidation for the rating;

(b) the certificate is appropriate, issued and valid in accordance with Chapter 1 of Part 3 of Schedule 8;

(c) the holder—

(i) has undertaken the differences training specified in paragraph FCL 710 of Part-FCL; or

(ii) of a licence with single-engine piston aeroplane privileges who wishes to exercise such privileges on a microlight aeroplane has undergone differences training in accordance with Chapter 2 of Part 2 of Schedule 8, appropriate for a microlight aeroplane class rating; and

(d) detailed information about that differences training is entered in the holder's personal flying log.

Maintenance of privileges of other certificates and ratings specified in Chapter 1 of Part 2 of Schedule 8

156.—(1) The holder of a United Kingdom licence is not entitled to exercise the privileges of a certificate or rating specified in paragraph (2) unless—

(a) the licence in which the certificate or rating is included has a certificate of revalidation; and

(b) the certificate of revalidation is appropriate, issued and valid in accordance with Chapter 1 or 2 of Part 3 of Schedule 8.

(2) The certificates and ratings referred to in paragraph (1) are—

(a) an instrument meteorological conditions rating (aeroplanes);

(b) an instrument rating (aeroplane);

(c) an instrument rating (helicopter); and

(d) any instructor certificate.

Maintenance of privileges of certificates and ratings specified in Chapters 2 and 3 of Part 2 of Schedule 8

157. The holder of a United Kingdom licence or a National Private Pilot's Licence is not entitled to exercise the privileges of any certificate or rating specified in Chapter 2 or 3 of Part 2 of Schedule 8 which is included in the licence unless—

(a) the licence includes a certificate of revalidation for the certificate or rating; and

(b) the certificate of revalidation is appropriate, issued and valid in accordance with Chapter 2 of Part 3 of Schedule 8.

Maintenance of privileges of Flight Engineers' Licences

158. The holder of a United Kingdom Flight Engineer's Licence is not entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless—

(a) the licence has a certificate of revalidation for the rating; and

(b) the certificate is appropriate, issued and valid in accordance with Chapter 1 of Part 3 of Schedule 8.

Maintenance of privileges of Flight Navigators' Licences

159. The holder of a United Kingdom Flight Navigator's Licence is not entitled to exercise the privileges of the licence on a flight to which article 111 applies unless—

(a) the licence has a certificate of revalidation; and

(b) the certificate is appropriate, issued and valid in accordance with Chapter 1 of Part 3 of Schedule 8.

CHAPTER 3

Medical certificates

Requirement for a medical certificate for a United Kingdom licence

160.—(1) This article applies to any licence granted under article 152.

(2) Subject to article 163, the holder of a licence to which this article applies is not entitled to perform any of the functions to which the licence relates unless—

(a) the licence includes a valid medical certificate issued under article 161; or

(b) the holder of the licence has a valid medical certificate issued under Part-MED that is not a Light Aircraft Pilot Licence medical certificate.

Issue and validity of a medical certificate for a United Kingdom licence

161.—(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 under article 152 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 166(3) and 253, 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

162. Subject to article 150(7), 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.

Medical requirements for specified United Kingdom licences and National Private Pilot's Licences

163.—(1) In this article, a specified licence means—

(a) a National Private Pilot's Licence or United Kingdom Private Pilot's Licence; or

(b) a United Kingdom Commercial Pilot's Licence (Balloons) that is restricted to commercial operation and to the privileges of a United Kingdom Private Pilot's Licence (Balloons and Airships).

(2) Subject to paragraph (7), the holder of a specified licence, or of a licence which includes the privileges of a specified licence, may exercise any of the privileges of the specified licence if the holder has—

(a) a valid medical certificate issued under article 161;

(b) a medical certificate granted under Section 2 of Subpart A of Part-MED, including one which is valid for a Light Aircraft Pilot Licence issued under Part-FCL; or

(c) made a medical declaration in accordance with paragraph (3) which has not ceased to be valid in accordance with paragraph (4) and the holder complies with the conditions in paragraph (5).

(3) The holder of a licence makes a medical declaration in accordance with this article if they—

(a) reasonably believe that they—

(i) meet the medical requirements for a Group 1 Licence issued by the Driver and Vehicle Licensing Agency; and

(ii) are not subject to a disqualifying medical condition.

(b) make a declaration to that effect to the CAA in such form and in such manner as may be required or specified by the CAA; and

(c) in the case of a licence holder aged 70 years or more, have made such a declaration within the previous three years.

(4) A declaration made in accordance with paragraph (3)—

(a) ceases to be valid if it is withdrawn;

(b) must be withdrawn by the holder if they no longer reasonably believe that they satisfy the requirements of paragraph (3);

(c) may be withdrawn by the CAA if it has reason to believe that the holder—

(i) no longer meets the medical requirements in paragraph (3)(a)(i); or

(ii) is subject to a disqualifying medical condition.

(5) The holder of a licence who does not have a medical certificate and relies on satisfying the requirements of paragraph (3) may only exercise the privileges of the licence—

(a) in an aircraft with a maximum take-off mass of 5,700kg or less;

(b) with not more than three passengers on board;

(c) by day or when exercising the privileges of a night rating;

(d) in visual meteorological conditions or when exercising the privileges of an instrument meteorological conditions rating; and

(e) within the United Kingdom unless the holder has the permission of the competent authority for the airspace in which the aircraft is being flown.

(6) For the purposes of this article, "disqualifying medical condition" means any physical or mental condition or illness, or any history of such a condition or illness, including—

(a) any alcohol or drug abuse, addiction or misuse;

(b) any neurological condition;

(c) any functional disability;

(d) any surgery or medical treatment;

(e) any collapse, fainting or loss of consciousness;

(f) any history of (a) to (e); or

(g) such other medical conditions as the CAA may specify,

that might impair the safe operation of normal flight controls or render the licence holder unfit at any time to perform any function for which the licence is granted.

(7) The holder of a specified licence wishing to exercise night rating privileges must additionally meet the colour vision requirements of MED.B.075 of Part-MED in order to be so entitled.

Issue of Light Aircraft Pilot Licence medical certificates

164.—(1) For the purposes of MED.D.035(a)(2) of Part-MED, the requirements for a general medical practitioner to act as an authorised aeromedical examiner in relation to the issue, revalidation or renewal of Light Aircraft Pilot Licence medical certificates in accordance with Part-MED are those set out in paragraph (2).

(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

165. 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.

Licence holder not to act as member of flight crew when unfit

166.—(1) Subject to paragraph (6), a person must not act as a member of the flight crew of an aircraft registered in the United Kingdom if they know or suspect their physical or mental condition renders them temporarily or permanently unfit to perform such functions or to act in such capacity, including unfitness by reason of—

(a) injury or sickness;

(b) taking or using any prescribed or non-prescribed medication which is likely to interfere with the ability to perform such functions;

(c) receipt of any medical, surgical or other treatment that is likely to interfere with the ability to perform such functions;

(d) the effects of any psychoactive substance; or

(e) fatigue.

(2) Every holder of a medical certificate issued under article 161 or medical declaration in accordance with article 163(3) who—

(a) suffers any personal injury involving incapacity to undertake the holder's functions as a member of the flight crew;

(b) suffers any significant illness involving incapacity to undertake those functions throughout a period of 21 days or more; or

(c) in the case of a woman, has reason to believe that she is pregnant,

must inform an aeromedical examiner authorised by the CAA of such injury, illness or pregnancy, as soon as possible in the case of injury or pregnancy, and as soon as the period of 21 days has expired in the case of illness.

(3) The medical certificate or declaration is suspended upon the occurrence of such injury or the expiry of such period of illness or the confirmation of the pregnancy.

(4) In the case of injury or illness the suspension ceases upon—

(a) the holder being medically assessed under arrangements made by the CAA and pronounced fit to resume the holder's functions as a member of the flight crew; or

(b) the CAA exempting, subject to such conditions it deems appropriate, the holder from the requirement of a medical assessment.

(5) In the case of pregnancy, the suspension—

(a) may be lifted by the CAA or an aeromedical examiner authorised by the CAA for such period and subject to such conditions as the CAA or the aeromedical examiner thinks fit; and

(b) ceases upon the holder being medically assessed under arrangements made by the CAA after the pregnancy has ended and pronounced fit to resume her functions as a member of the flight crew.

(6) Paragraph (1) does not apply to the holder of a Part-FCL licence when the holder is exercising the privileges of the licence in an EASA aircraft.

CHAPTER 4

Flight crew licensing – general provisions

Person not to fly after failing test

167. The holder of a licence who, on the last occasion when the holder took a test for the purposes of articles 154, 155, 156, 157, 158 or 159 failed that test, is not entitled to fly in the capacity for which that test would have qualified the holder had it been passed.

Approval of training and testing

168. The CAA may, for the purposes of articles 36 and 187, and Chapter 3—

(a) approve any course of training or instruction;

(b) authorise a person to conduct such examinations or tests as it may specify; and

(c) approve a person to provide any course of training or instruction.

Validation of licences

169. 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.

Instruction in flying

170.—(1) This article applies to instruction in flying given to any person flying or about to fly a flying machine or glider for the purpose of becoming qualified for—

(a) the grant of a pilot's licence under this Order or Part-FCL; or

(b) the inclusion, variation, renewal or revalidation of any rating, certificate or qualification in a pilot's licence under this Order or Part-FCL.

(2) A person must not give any instruction in flying to which this article applies unless—

(a) they hold a licence, granted or rendered valid under this Order or a Part-FCL licence, entitling them to act as pilot in command of the aircraft for the purpose and in the circumstances under which the instruction is to be given; and

(b) the licence includes an instructor's rating or certificate entitling the holder to give the instruction.

Glider pilots – minimum age

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

Licences and ratings no longer to be granted

172. 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.

Status of licences issued by the CAA

173.—(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);

(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 commercial operation, apart from commercial operation for—

(a) the giving of instruction in flying;

(b) the conducting of flying examinations for the purpose of this Order;

(c) the towing of a glider in flight;

(d) the giving of flying displays; or

(e) parachute dropping.

CHAPTER 5

Fatigue of crew and protection of crew from cosmic radiation

Application and interpretation of this Chapter

174.—(1) Subject to paragraphs (2) and (4), articles 175 and 176 apply to an aircraft registered in the United Kingdom which is—

(a) flying on a public transport flight;

(b) operated by the holder of a national air operator's certificate;

(c) a helicopter flying on a commercial air transport operation; or

(d) an aeroplane with a flight crew of one pilot flying for the purpose of commercial air transport.

(2) Article 176 also applies to an aircraft registered in the United Kingdom which is flying on—

(a) a non-commercial flight; and

(b) a commercial operations flight.

(3) In this Chapter—

"day" means a continuous period of 24 hours beginning at midnight Co-ordinated Universal Time;

"flight time" means all time spent by a person as a member of the crew while it is in flight in—

(a) a civil aircraft, whether or not registered in the United Kingdom, which is flying for the purpose of—

(i) commercial air transport;

(ii) public transport

(iii) commercial operation; or

(iv) a flight subject to Part-NCC; or

(b) a military aircraft.

(4) For the purposes of this Chapter, a helicopter is deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

Fatigue of crew – operator's responsibilities

175.—(1) The operator of an aircraft to which this article applies must not cause or permit that aircraft to make a flight unless—

(a) the operator has established a scheme for the regulation of flight times for every person flying in that aircraft as a member of its crew;

(b) the scheme is approved by the CAA;

(c) either—

(i) the scheme is incorporated in the operations manual required by article 116; or

(ii) in any case where an operations manual is not required by that article, the scheme is incorporated in a document, a copy of which has been made available to every person flying in the aircraft as a member of its crew; and

(d) the operator has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with by every person flying in that aircraft as a member of its crew.

(2) The operator of an aircraft to which this article applies must not cause or permit any person to fly as a member of its crew who the operator knows or has reason to believe is suffering from

or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.

(3) The operator of an aircraft to which this article applies must not cause or permit any person to fly in the aircraft as a member of its flight crew unless the operator possesses an accurate and up-to-date record for that person and for the 28 days immediately preceding the flight showing—

(a) all flight times; and

(b) brief details of the nature of the functions performed in the course of those flight times.

(4) Subject to article 238, the record referred to in paragraph (3) must be preserved by the operator of the aircraft for at least 12 months after the flight referred to in that paragraph.

Fatigue of crew – responsibilities of crew

176.—(1) A person must not act as a member of the crew of an aircraft to which this article applies if they know or suspect that they are suffering from or, having regard to the circumstances of the flight to be undertaken, are likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.

(2) A person must not act as a member of the flight crew of an aircraft to which this article applies without first ensuring that the operator of the aircraft is aware of their flight times during the period of 28 days preceding the flight.

Flight times – responsibilities of flight crew

177.—(1) Subject to paragraphs (2) and (3), a person must not act as a member of the flight crew of an aircraft registered in the United Kingdom if, at the beginning of the flight, the aggregate of all that person's previous flight times—

(a) during the period of 28 consecutive days expiring at the end of the day on which the flight begins exceeds 100 hours; or

(b) during the period of twelve months expiring at the end of the previous month exceeds 900 hours.

(2) This article does not apply to non-commercial flights except for flights subject to Part-NCC.

(3) A person may act as a member of the flight crew on a private or commercial operation flight where the operator does not hold a national air operator's certificate if, at the time when the flight begins, the aggregate of all the flight times of the member of the flight crew concerned since last being medically examined and found fit by a person approved by the CAA for the purpose of article 161(3) is not more than 25 hours.

Protection of air crew from cosmic radiation

178.—(1) An undertaking operating an aircraft must—

(a) take account of exposure to cosmic radiation of air crew who are liable to be subject to exposure to more than 1 mSv per year; and

(b) take appropriate measures, in particular to—

(i) assess the exposure of the crew concerned;

(ii) take into account the assessed exposure when organising working schedules with a view to reducing the doses of highly exposed air crew; and

(iii) to inform the workers concerned of the health risks their work involves.

(2) In relation to female air crew employed by an undertaking—

(a) as soon as a pregnant woman informs the undertaking in writing of her condition, the undertaking must ensure that—

(i) the conditions of exposure to cosmic radiation for the pregnant woman in the context of her employment are such that the equivalent dose to the child to be born will be as low as reasonably achievable; and

(ii) it will be unlikely that this dose will exceed 1 mSv during the remainder of the pregnancy;

(b) as soon as a nursing woman informs the undertaking in writing of her condition she must not be employed in work involving a significant risk of bodily radioactive contamination.

(3) In this article—

"air crew" has the same meaning as in article 42 of Council Directive 96/29/Euratom(**a**);

"highly exposed" has the same meaning as in article 42 of Council Directive 96/29/Euratom;

"mSv" means one thousandth of a Sievert, as defined in article 1 of Council Directive 96/29/Euratom;

"undertaking", as regards the operation of aircraft, has the meaning given in articles 1 and 2 of Council Directive 96/29/Euratom.

Fatigue of crew – responsibilities of EU-OPS and Part-CAT operators

179.—(1) This article applies to an operator of an EU-OPS aeroplane or a Part-CAT aeroplane which—

(a) is registered in the United Kingdom; and

(b) has a flight crew of at least two pilots.

(2) An operator to which this article applies must not cause or permit an aircraft to fly for the purpose of commercial air transport unless—

(a) the scheme for the regulation of flight times required under EU-OPS or Part-CAT has been approved by the CAA; and

(b) the operator has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that aeroplane as a member of its crew.

PART 7

Air traffic services

CHAPTER 1

Air traffic services

Requirement for an air traffic control approval

180.—(1) Subject to paragraph (3), a person in charge of the provision of an air traffic control service must not provide such a service for United Kingdom airspace or airspace outside the United Kingdom for which the United Kingdom has, under international arrangements, undertaken to provide air navigation services unless that person has been given and complies with the terms of an air traffic control approval granted by the CAA.

(2) The CAA must grant an air traffic control approval if it is satisfied that the applicant is competent to provide a service which is safe for use by aircraft, having regard to the applicant's organisation, staffing, equipment, maintenance and other arrangements.

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

(**a**) Council Directive 96/29/Euratom of 13th May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation. O.J. No. L 159, 29.6.96, p.1.

Duty of person in charge to be satisfied as to competence of controllers

181. The holder of an approval granted under article 180 must not permit any person to act as an air traffic controller or a student air traffic controller in the provision of the service under the approval unless—

(a) that person holds an appropriate licence; and

(b) the approval holder is satisfied that the person is competent to perform the duties of an air traffic controller or a student air traffic controller.

Manual of air traffic services

182.—(1) Subject to paragraph (2), a person must not provide an air traffic control service at any place unless—

(a) the service is provided in accordance with the standards and procedures specified in a manual of air traffic services for that place;

(b) the manual is produced to the CAA within a reasonable time after a request for its production is made by the CAA; and

(c) such amendments or additions are made to the manual as the CAA may from time to time require.

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

Provision of air traffic services

183. In the case of an aerodrome (other than a Government aerodrome) for which there is equipment for providing aid for holding, aid for let-down or aid for an approach to landing by radio or radar, the person in charge of the aerodrome must—

(a) inform the CAA in advance of the periods during and times at which any such equipment is to be in operation for the purpose of providing such aid as is specified by that person; and

(b) during any period and at such times as are notified, cause an approach control service to be provided.

Making of an air traffic direction in the interests of safety

184.—(1) The CAA may, in the interests of safety, direct the person in charge of an aerodrome that there must be provided for that aerodrome (other than a Government aerodrome) such an air traffic control service, a flight information service or a means of two way radio communication as the CAA considers appropriate.

(2) The CAA may, in the interests of safety, direct the holder of a licence to provide air traffic services granted under Part I of the Transport Act 2000(**a**) that there must be provided, for airspace specified in paragraph (3), such an air traffic control service, a flight information service or a means of two way radio communication as the CAA considers appropriate.

(3) The airspace referred to in paragraph (2) is United Kingdom airspace or airspace outside the United Kingdom for which the United Kingdom has, under international arrangements, undertaken to provide air navigation services, otherwise than in respect of an aerodrome.

(4) The CAA may specify in the direction the periods during which, the times at which, the manner in which and the airspace within which such service or such means must be provided.

(5) The person who has been directed must cause such a service or means to be provided in accordance with the direction.

(**a**) 2000 c.38.

(6) The CAA may, pending inquiry into or consideration of the case, make a provisional air traffic direction.

(7) A provisional air traffic direction—

(a) may contain any of the requirements which may be included in an air traffic direction made in accordance with paragraph (1) or (2);

(b) has effect as though it were an air traffic direction made in accordance with paragraph (1) or (2).

Making of a direction for airspace policy purposes

185.—(1) After consultation with the Secretary of State the CAA may direct any person in charge of the provision of air traffic services to provide air traffic services for United Kingdom airspace or airspace outside the United Kingdom for which the United Kingdom has, under international arrangements, undertaken to provide air traffic services.

(2) A direction under paragraph (1) may be made—

(a) in the interests of ensuring the efficient use of airspace; or

(b) to require that air traffic services are provided to a standard considered appropriate by the CAA for the airspace classification.

(3) The CAA may specify in a direction under paragraph (1)—

(a) the air traffic services and the standard to which they are to be provided; and

(b) the periods during which, the times at which, the manner in which, and the airspace within which such services must be provided.

(4) The person who has been directed must cause such a service to be provided in accordance with the direction.

Use of radio call signs at aerodromes

186. The person in charge of an aerodrome provided with means of two-way radio communication must not cause or permit any call sign to be used for a purpose other than a purpose for which that call sign has been notified.

Approval of instrument flight procedures

187.—(1) An instrument flight procedure within the United Kingdom must not be notified unless that procedure has been designed or approved by the CAA.

(2) The CAA must not notify or approve an instrument flight procedure unless it is satisfied that the procedure is safe for use by aircraft.

(3) Subject to paragraph (5), the CAA may approve an instrument flight procedure where an application for approval of the procedure has been made.

(4) An applicant for approval of an instrument flight procedure must supply such evidence and reports as the CAA may require.

(5) The CAA is not obliged to accept an application for the approval of an instrument flight procedure where that application is not supported by a report submitted by a person approved under paragraph (6).

(6) The CAA must grant an approval to submit reports supporting an application for approval of an instrument flight procedure if it is satisfied that the applicant is competent having regard to the applicant's organisation, staffing, equipment, knowledge, experience, competence, skill and other arrangements to design an instrument flight procedure that is safe for use by aircraft.

(7) The applicant for an approval under paragraph (6) must supply such evidence and undergo such examinations and tests and undertake such courses of training as the CAA may require.

CHAPTER 2

Licensing of air traffic controllers

Prohibition of unlicensed student air traffic controllers and air traffic controllers

188.—(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.

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

189. 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 must not exceed two years.

Inclusion of national endorsements

190.—(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—

(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.

Fatigue of air traffic controllers

191. A person must not exercise the privileges of a student air traffic controller licence or an air traffic controller licence if they know or suspect that they are suffering from or, having regard to

the circumstances of the period of duty to be undertaken, are likely to suffer from, such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.

Acting under the influence of psychoactive substances or medicines

192. 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.

Failing exams, assessments or tests

193. A person who, when last examined, assessed or tested for the purposes of this Chapter, failed that examination, assessment or test must not act in the capacity for which that examination, assessment or test would have qualified them had it been passed.

Use and approval of simulators

194.—(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.

Approval of courses, persons and simulators

195. Without prejudice to any other provision of this Order the CAA may, for the purposes of this Chapter, approve—

(a) any course of training or instruction;

(b) any unit training plan or unit competence scheme;

(c) a person to conduct such examinations, assessments or tests as it may specify; and

(d) a simulator.

Certification of training organisations

196. 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.

Certified training organisation: production of records

197. A certified training organisation must, within a reasonable time of being requested to do so by an authorised person, produce to that person any record or document (whether or not in electronic form) which that person may require for the purpose of determining whether the certified training organisation fulfils the requirements set out in Chapter IV of the EASA Air Traffic Controller Licensing Regulation as amended from time to time.

Meaning of terms used in this Chapter

198. 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.

CHAPTER 3

Flight information services and licensing of flight information service officers

Prohibition of unlicensed flight information service officers

199.—(1) A person must not act as a flight information service officer at any aerodrome or area control centre or hold himself or herself out, whether by use of a radio call sign or in any other way, as a person who may so act unless—

(a) they hold and comply with the terms of a flight information service officer's licence granted under this Order authorising the holder to act as such an officer at that aerodrome or area control centre; and

(b) they have identified themselves in such a manner as may be notified.

(2) In this Chapter, "acting as a flight information service officer" means giving a flight information service.

Licensing of flight information service officers

200.—(1) The CAA must grant a flight information service officer licence to any person aged 18 years or more if it is satisfied that the applicant—

(a) is a fit person to hold the licence; and

(b) is qualified by having the knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the licence 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) The licence may be issued subject to such conditions as the CAA thinks fit.

(4) A licence to act as a flight information service officer—

(a) may be renewed by the CAA from time to time, when it is satisfied that the applicant is a fit person and is qualified in accordance with paragraph (1);

(b) remains in force, subject to article 253, for the period indicated in the licence or if no period is indicated, for the lifetime of the holder.

(5) A flight information service officer's licence does not authorise the giving of a flight information service at an aerodrome or area control centre unless—

(a) that aerodrome or area control centre has been specified in the licence by a person authorised by the CAA for the purpose; and

(b) the licence has been validated for that aerodrome or area control centre by a person authorised for the purpose by the CAA.

(6) If, throughout any period of 90 days, the holder of the licence has not at any time given such a service at a particular aerodrome or area control centre, the licence ceases to be valid for that aerodrome or area control centre at the end of that period until the licence has been revalidated for that aerodrome or area control centre by a person authorised by the CAA for the purpose.

(7) A licence to act as a flight information service officer is not valid unless it has been signed by the holder in ink or indelible pencil.

(8) Every holder of a flight information service officer's licence must, on such occasions as the CAA may require, submit to such examinations and tests and supply such evidence of the holder's knowledge, experience, competence and skill and undergo such courses of training as the CAA may require.

Flight information service manual

201.—(1) Subject to paragraph (2), a person must not provide a flight information service at any aerodrome or area control centre unless—

(a) the service is provided in accordance with the standards and procedures specified in a flight information service manual for that aerodrome or area control centre;

(b) the manual is produced to the CAA within a reasonable time after a request for its production is made by the CAA; and

(c) such amendments or additions have been made to the manual as the CAA may from time to time require.

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

CHAPTER 4

Certificate of competence to operate an aeronautical radio station

Prohibition of unauthorised operation of an aeronautical radio station

202.—(1) Subject to paragraph (3), a person must not operate an aeronautical radio station for any purposes specified in paragraph (4), or hold themself 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 203 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

203.—(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 253, 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 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 268 as the CAA may specify, either generally or in a particular case or class of cases.

Approval of courses, persons, examinations and simulators

204. Without prejudice to any other provision of this Order the CAA may, for the purposes of this Chapter, 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.

CHAPTER 5

Air traffic service equipment

Air traffic service equipment

205.—(1) A person must not cause or permit any air traffic service equipment to be established or used in the United Kingdom otherwise than under and in accordance with an approval granted by the CAA to the person in charge of the equipment.

(2) An approval must be granted under paragraph (1) if the CAA is satisfied—

(a) as to the intended purpose of the equipment;

(b) that the equipment is fit for its intended purpose; and

(c) that the person is competent to operate the equipment.

(3) The person in charge of an aeronautical radio station at an aerodrome for which a public use licence has been granted or at an EASA certified aerodrome must cause to be notified in relation to that aeronautical radio station the type and availability of operation of any service which is available for use by any aircraft.

(4) An approval granted under paragraph (1) may include a condition requiring a person in charge of an aeronautical radio station at any other aerodrome or place to cause the information specified in paragraph (3) to be notified.

(5) An approval granted under paragraph (1) may include such other conditions as the CAA thinks fit including—

(a) a condition requiring the person in charge of the equipment to use a person approved by the CAA under paragraph (6) for the provision of particular services in connection with the equipment; and

(b) a condition requiring that the equipment be flight checked by such an approved person.

(6) The CAA may approve a person to provide particular services in connection with approved equipment.

(7) For the purpose of paragraphs (1) and (6) an approval may be granted for one or more persons or generally.

(8) This article does not apply to any air traffic service equipment of which the person solely in charge is the Secretary of State.

Air traffic service equipment records

206.—(1) The person in charge of any air traffic service equipment and any associated apparatus required under paragraph (2) or (3) must—

(a) keep records for such equipment or apparatus in accordance with Part 1 of Schedule 11; and

(b) preserve such records for one year or such longer period as the CAA may in a particular case direct.

(2) The person in charge of an aeronautical radio station which is used for the provision of an air traffic control service by an air traffic control unit must provide recording apparatus in accordance with paragraph (4).

(3) The CAA may direct the person in charge of any other air traffic service equipment to provide recording apparatus in accordance with paragraph (4).

(4) Subject to paragraph (8), the person in charge of the air traffic service equipment for which recording apparatus is required to be provided under paragraph (2) or (3) must ensure that—

(a) when operated the apparatus is capable of recording and replaying the terms or content of any message or signal transmitted or received by or through that equipment; and

(b) in the case of an aeronautical radio station the apparatus is capable of recording and replaying the terms or content of any voice radio message or signal transmitted to an aircraft either alone or in common with other aircraft or received from an aircraft by the air traffic control unit.

(5) Subject to paragraph (8), the person in charge of the air traffic service equipment for which recording apparatus is required to be provided under paragraph (2) or (3) must—

(a) ensure that the apparatus is in operation at all times when the equipment is being used in connection with the provision of a service intended to facilitate the navigation of aircraft;

(b) ensure that each record made by the apparatus complies with Part 2 of Schedule 11;

(c) not cause or permit that apparatus to be used unless it is approved by the CAA; and

(d) comply with the terms of such an approval.

(6) In considering whether or not to grant an approval, the CAA may have regard to the matters specified in Part 3 of Schedule 11.

(7) An approval may be granted—

(a) in addition to any other conditions which may be imposed, subject to conditions relating to the matters to which the CAA may have had regard under paragraph (6); and

(b) for one or more persons or generally.

(8) If any apparatus provided in compliance with paragraph (2) or (3) ceases to be capable of recording the matters required by this article to be included in the records, the person required to provide that apparatus must ensure that, so far as practicable—

(a) a record is kept which complies with Part 2 of Schedule 11; and

(b) in the case of apparatus provided in compliance with paragraph (2), a summary of voice communications exchanged between the aeronautical radio station and any aircraft are recorded.

(9) If any apparatus provided in compliance with paragraph (2) or (3) becomes unserviceable, the person in charge of the air traffic service equipment must ensure that the apparatus is rendered serviceable again as soon as reasonably practicable.

(10) The person in charge of any air traffic service equipment must preserve any record made in compliance with paragraph (5) or (8) for 30 days from the date on which the terms or content of

the message or signal were recorded or for such longer period as the CAA may in a particular case direct.

(11) A person required by this article to preserve any record by reason of being the person in charge of the air traffic service equipment is in this article called "the first person in charge".

(12) If the first person in charge ceases to be in charge of the air traffic service equipment, they must continue to preserve the record until paragraph (14) is complied with.

(13) In the event of the death of the first person in charge, the duty to preserve the record falls on their personal representative.

(14) If another person becomes the person in charge of the air traffic service equipment, the first person in charge or their personal representative must deliver the record to that other person on demand, and it is the duty of that other person to deal with any such record as if they were the first person in charge.

(15) The person in charge of any air traffic service equipment must within a reasonable time after being requested to do so by an authorised person produce any record required to be preserved under this article to that authorised person.

(16) This article does not apply to any air traffic service equipment of which the person solely in charge is the Secretary of State.

PART 8

Aerodromes and lighting

CHAPTER 1

Aerodromes, aeronautical lights and dangerous lights

Requirement to use national licensed, EASA certified or Government aerodrome

207.—(1) This article applies to any aircraft flying on a flight specified in article 208.

(2) An aircraft to which this article applies must not take off or land at a place in the United Kingdom other than—

(a) a national licensed aerodrome which is licensed for the take-off and landing of such aircraft;

(b) an EASA certified aerodrome which may under its certificate be used for the take-off and landing of such aircraft;

(c) a Government aerodrome notified as available for the take-off and landing of such aircraft; or

(d) a Government aerodrome where the person in charge of the aerodrome has given permission for the particular aircraft to take off or land.

(3) When taking off or landing at an aerodrome specified in paragraph (2), an aircraft to which this article applies must do so in accordance with any conditions subject to which the aerodrome may have been certified, licensed or notified, or subject to which such permission may have been given.

Flights which must use licensed or Government aerodrome

208.—(1) Subject to paragraph (6), article 207 applies to any aeroplane which has a maximum take-off mass of more than 5,700kg flying on a flight—

(a) for the purpose of the commercial air transport of passengers or the public transport of passengers;

(b) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or

(c) for the purpose of carrying out flying examinations for the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence.

(2) Subject to paragraph (6), article 207 applies to any aeroplane which has a maximum take-off mass of not more than 5,700kg flying on a flight which is—

(a) a scheduled journey for the purpose of the commercial air transport of passengers or the public transport of passengers;

(b) for the purpose of the commercial air transport of passengers or the public transport of passengers and which begins and ends at the same aerodrome; or

(c) for the purpose of the commercial air transport of passengers or the public transport of passengers and which is at night.

(3) Subject to paragraph (6), article 207 applies to any helicopter or gyroplane flying on a flight which is a scheduled journey for the purpose of the public transport of passengers.

(4) Subject to paragraph (6), article 207 applies to any helicopter or gyroplane of which the maximum take-off mass is more than 3,175kg flying on a flight—

(a) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or

(b) for the purpose of a flying test for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence.

(5) Subject to paragraph (6), article 207 applies to any glider (other than a glider being flown under arrangements made by a flying club and carrying no person other than a member of the club) flying on a flight for the purpose of—

(a) the public transport of passengers; or

(b) instruction in flying.

(6) Article 207 does not apply to an aircraft flying under and in accordance with the terms of a police air operator's certificate.

Aerodromes – use for purposes of flying instruction and testing

209.—(1) The operator of an aerodrome which is neither a national licensed aerodrome nor an EASA certified aerodrome must not permit an aircraft flying or intended to fly for a purpose specified in paragraph (3) to take off from or land at the aerodrome unless satisfied on reasonable grounds that the aerodrome has adequate facilities for the safe conduct of such flights.

(2) The pilot in command of an aircraft must not take off from or land at an aerodrome which is neither a national licensed aerodrome nor an EASA certified aerodrome on a flight for a purpose specified in paragraph (3) unless satisfied on reasonable grounds that the aerodrome has adequate facilities for the safe conduct of such flights.

(3) A flight is for a purpose specified in this paragraph if it is for the purpose of—

(a) instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or

(b) carrying out flying examinations for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence.

Helicopters flying for public transport at night

210.—(1) The person in charge of any area in the United Kingdom intended to be used for the take-off or landing of helicopters at night must cause there to be in operation, whenever a helicopter flying for the purpose of the public transport of passengers is taking off or landing at that area at night, such lighting as will enable the pilot of the helicopter—

(a) when landing, to identify the landing area in flight, to determine the landing direction and to make a safe approach and landing; and

(b) when taking off, to make a safe take-off.

(2) A helicopter flying for the purpose of the public transport of passengers at night must not take off or land at a place to which paragraph (1) applies unless there is in operation such lighting.

(3) Paragraph (1) does not apply to an aerodrome specified in article 207(2).

Use of Government aerodromes

211. With the concurrence of the Secretary of State and subject to such conditions it deems appropriate, the CAA may notify any Government aerodrome as an aerodrome available for the take-off and landing of aircraft flying on flights for the purpose of—

(a) the commercial air transport of passengers;

(b) the public transport of passengers; or

(c) instruction in flying,

or of any classes of such aircraft.

Licensing of aerodromes

212.—(1) The CAA must grant a licence ("a national aerodrome licence") for any non-EASA aerodrome in the United Kingdom if it is satisfied that—

(a) the applicant is competent, having regard to its previous conduct and experience, and its equipment, organisation, staffing, maintenance and other arrangements, to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe for use by aircraft;

(b) the aerodrome is safe for use by aircraft, having regard in particular to the physical characteristics of the aerodrome and of its surroundings;

(c) an effective safety management system is in place; and

(d) the aerodrome manual submitted under paragraph (9) is adequate.

(2) If the CAA grants a national aerodrome licence it may do so subject to such conditions it deems appropriate.

(3) Subject to paragraph (4) and article 253, a national aerodrome licence remains in force for the period specified in the licence.

(4) A national aerodrome licence expires immediately in the event that an EASA aerodrome certificate is issued for the aerodrome.

(5) A national aerodrome licence holder must supply to any person on request information concerning the terms of the licence.

(6) A national aerodrome licence holdermust not contravene or cause or permit to be contravened any condition of the national aerodrome licence at any time in relation to an aircraft flying on a flight specified in article 208, but the licence does not cease to be valid by reason only of such a contravention.

(7) A national aerodrome licence holder must take all reasonable steps to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe at all times for use by aircraft.

(8) On making an application for an aerodrome licence the applicant must submit to the CAA an aerodrome manual for that aerodrome.

(9) An aerodrome manual required under this article must contain all such information and instructions as may be necessary to enable the aerodrome operating staff to perform their duties as such including, in particular, information and instructions relating to the matters specified in Schedule 12.

(10) Every national aerodrome licence holder must—

(a) supply to the CAA any amendments or additions to the aerodrome manual before or immediately after they come into effect;

(b) without prejudice to sub-paragraph (a), make such amendments or additions to the aerodrome manual as the CAA may require for the purpose of ensuring the safe operation of aircraft at the aerodrome or the safety of air navigation; and

(c) maintain the aerodrome manual and make such amendments as may be necessary for the purposes of keeping its contents up to date.

(11) Every national aerodrome licence holder must make available to each member of the aerodrome operating staff a copy of the aerodrome manual, or a copy of every part of the aerodrome manual which is relevant to their duties and ensure that each such copy is kept up to date.

(12) Every national aerodrome licence holder must take all reasonable steps to secure that all members of the aerodrome operating staff—

(a) are aware of the contents of every part of the aerodrome manual which is relevant to their duties; and

(b) undertake their duties in conformity with the relevant provisions of the manual.

(13) In this article—

"aerodrome operating staff" means all persons (whether or not the national aerodrome licence holder and whether or not employed by the national aerodrome licence holder) whose duties—

(a) are concerned with ensuring that the aerodrome and airspace within which its visual traffic pattern is normally contained are safe for use by aircraft; or

(b) require them to have access to the aerodrome manoeuvring area or apron;

"national aerodrome licence holder" means a person who has been granted a licence under paragraph (1);

"visual traffic pattern" means—

(a) the aerodrome traffic zone of the aerodrome; or

(b) in the case of an aerodrome which is not notified for the purposes of rule 11 of the Rules of the Air Regulations 2015, the airspace which would comprise the aerodrome traffic zone of the aerodrome if it were so notified.

Issue of aerodrome safety directives for national licensed aerodromes

213.—(1) The CAA may issue a directive ("an aerodrome safety directive") to a national aerodrome licence holder if it has determined the existence of an unsafe condition at a national licensed aerodrome which requires immediate action.

(2) An aerodrome safety directive must contain, as a minimum, the following information—

(a) details of the unsafe condition;

(b) the actions required and the rationale for requiring them; and

(c) the time limit for compliance with the required actions.

Public use licence

214.—(1) If the applicant for a national aerodrome licence requests or if the CAA considers that an aerodrome should be available for the take-off or landing of aircraft to all persons on equal terms and conditions, the CAA may grant a national aerodrome licence with a public use condition in addition to any other conditions.

(2) A public use condition is a condition that the aerodrome is to be available to all persons on equal terms and conditions at all times when it is available for the take-off or landing of aircraft.

(3) A national aerodrome licence with a public use condition is in this Order referred to as "a public use licence".

(4) The holder of a public use licence must cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft flying on flights for the purpose of the commercial air transport of passengers, the public transport of passengers or instruction in flying.

Charges at aerodromes with a public use licence

215. The holder of a public use licence must, when required by the Secretary of State, supply to the Secretary of State such information as he may require about the charges established by the licensee for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, efficiency or regularity of air navigation.

Use of aerodromes by aircraft of Contracting States and of the Commonwealth

216. The person in charge of any aerodrome in the United Kingdom which is open to public use by aircraft registered in the United Kingdom must cause the aerodrome and all of its air navigation facilities to be available for use by aircraft registered in other Contracting States or in any part of the Commonwealth on the same terms and conditions as for use by aircraft registered in the United Kingdom.

Powers of aerodrome firefighters in an emergency

217.—(1) A member of the Rescue and Fire Fighting Service at a national licensed aerodrome or an EASA certified aerodrome may do anything on the aerodrome the member reasonably believes to be necessary—

(a) if the member reasonably believes a fire to have broken out or to be about to break out, for the purpose of extinguishing or preventing the fire or protecting life or property;

(b) if the member reasonably believes an aircraft accident or incident to have occurred, for the purpose of rescuing people or protecting them from serious harm; or

(c) for the purpose of preventing or limiting damage to property resulting from any action taken as mentioned in sub-paragraph (a) or (b).

(2) In particular, a member of the Rescue and Fire Fighting Service at a national licensed aerodrome or an EASA certified aerodrome, when acting in accordance with paragraph (1), may on the aerodrome—

(a) enter an aircraft, by force if necessary, without the consent of the owner or operator;

(b) restrict the access of persons to an aircraft, premises or a place.

(3) A person who without reasonable excuse obstructs or interferes with a member of the Rescue and Fire Fighting Service at a national licensed aerodrome or an EASA certified aerodrome taking action authorised under this article commits an offence.

Noise and vibration caused by aircraft on aerodromes

218.—(1) The Secretary of State may prescribe the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, national licensed aerodromes, EASA certified aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft.

(2) Section 77(2) of the Civil Aviation Act 1982 applies to any aerodrome in relation to which the Secretary of State has prescribed conditions in accordance with paragraph (1).

Customs and Excise aerodromes

219.—(1) The Secretary of State may, with the concurrence of the Commissioners for Revenue and Customs and subject to such conditions as they may think fit, by order designate any

aerodrome to be a place for the landing or departure of aircraft for the purpose of the enactments for the time being in force relating to customs and excise.

(2) The Secretary of State may, with the concurrence of the Commissioners for Revenue and Customs, by order revoke any designation so made.

Aviation fuel at aerodromes

220.—(1) Subject to paragraph (3), an aviation fuel installation manager must not cause or permit any fuel to be delivered to the installation unless satisfied that—

(a) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in aircraft;

(b) the installation is marked in a manner appropriate to the grade of fuel stored or if different grades are stored in different parts each part is so marked; and

(c) in the case of delivery from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation and is fit for use in aircraft.

(2) Subject to paragraph (3), an aviation fuel installation manager must not cause or permit any fuel to be dispensed from the installation to an aircraft unless satisfied as the result of sampling that the fuel is fit for use in aircraft.

(3) Paragraph (1) does not apply to fuel which has been removed from an aircraft and is intended for use in another aircraft operated by the same operator as the aircraft from which it has been removed.

(4) The aviation fuel installation manager must keep a written record for each installation of which they have the management, which record must include detailed information about—

(a) the grade and quantity of aviation fuel delivered and the date of delivery;

(b) all samples taken of the aviation fuel and of the results of tests of those samples; and

(c) the maintenance and cleaning of the installation.

(5) The aviation fuel installation manager must—

(a) preserve the written record required under paragraph (4) for 12 months or such longer period as the CAA may in a particular case direct; and

(b) within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

(6) A person must not cause or permit any aviation fuel to be dispensed for use in an aircraft if the person knows or has reason to believe that the aviation fuel is not fit for use in aircraft.

(7) If it appears to the CAA or an authorised person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this article, the CAA or that authorised person may direct the aviation fuel installation manager not to permit aviation fuel to be dispensed from that installation until the direction has been revoked by the CAA or by an authorised person.

(8) In this article—

"aviation fuel" means fuel intended for use in aircraft;

"aviation fuel installation" means any apparatus or container, including a vehicle, designed, manufactured or adapted for the storage of aviation fuel or for the delivery of such fuel to an aircraft;

"aviation fuel installation manager" means a person who has the management of any aviation fuel installation on an aerodrome in the United Kingdom.

CHAPTER 2

Lights and lighting

Aeronautical lights

221.—(1) Except with the permission of the CAA and in accordance with any conditions subject to which the permission may be granted, a person must not establish, maintain or alter the character of—

(a) an aeronautical beacon within the United Kingdom; or

(b) any aeronautical ground light (other than an aeronautical beacon) at a national licensed aerodrome, or which forms part of the lighting system for use by aircraft taking off from or landing at such an aerodrome.

(2) In the case of an aeronautical beacon which is or may be visible from the waters within an area of a general lighthouse authority, the CAA must not give its permission for the purpose of this article except with the consent of that authority.

(3) A person must not intentionally or negligently damage or interfere with any aeronautical ground light established by or with the permission of the CAA.

Lighting of en-route obstacles

222.—(1) The person in charge of an en-route obstacle must ensure that it is fitted with medium intensity steady red lights positioned as close as possible to the top of the obstacle and at intermediate levels spaced so far as practicable equally between the top lights and ground level with an interval of not more than 52 metres.

(2) The person in charge of an en-route obstacle must, subject to paragraph (3), ensure that by night the lights required to be fitted by this article are displayed.

(3) In the event of the failure of any light which is required by this article to be displayed by night the person in charge must repair or replace the light as soon as reasonably practicable.

(4) At each level on the obstacle where lights are required to be fitted, sufficient lights must be fitted and arranged so as to show when displayed in all directions.

(5) In any particular case the CAA may direct that an en-route obstacle must be fitted with and must display such additional lights in such positions and at such times as it may specify.

(6) A permission may be granted for the purposes of this article for a particular case or class of cases or generally.

(7) This article does not apply to any en-route obstacle for which the CAA has granted a permission to the person in charge permitting that person not to fit and display lights in accordance with this article.

(8) In this article, an "en-route obstacle" means any building, structure or erection, the height of which is 150 metres or more above ground level, but it does not include a building, structure or erection—

(a) which is in the vicinity of a national licensed aerodrome or an EASA certificated aerodrome; and

(b) to which section 47 of the Civil Aviation Act 1982 (warning of presence of obstructions near licensed aerodromes) applies.

Lighting of wind turbine generators in United Kingdom territorial waters

223.—(1) Subject to paragraph (10), this article applies to any wind turbine generator—

(a) the height of which is 60 metres or more above the level of the sea at the highest astronomical tide; and

(b) which is situated in waters within or adjacent to the United Kingdom up to the seaward limits of the territorial sea.

(2) Subject to paragraph (3) the person in charge of a wind turbine generator must ensure that it is fitted with at least one medium intensity steady red light positioned as close as reasonably practicable to the top of the fixed structure.

(3) If four or more wind turbine generators are located together in the same group, with the permission of the CAA only those on the periphery of the group need be fitted with a light in accordance with paragraph (2).

(4) Subject to paragraph (5), the light or lights required by paragraph (2) must be so fitted as to show when displayed in all directions without interruption.

(5) When displayed—

(a) the angle of the plane of the beam of peak intensity emitted by the light must be elevated to between three and four degrees above the horizontal plane;

(b) not more than 45% or less than 20% of the minimum peak intensity specified for a light of this type is to be visible at the horizontal plane;

(c) not more than 10% of the minimum peak intensity specified for a light of this type is to be visible at a depression of 1.5 degrees or more below the horizontal plane.

(6) Subject to paragraph (7), the person in charge of a wind turbine generator must ensure that by night, any light required to be fitted by this article is displayed.

(7) In the event of the failure of any light which is required by this article to be displayed by night the person in charge of a wind turbine generator must repair or replace the light as soon as reasonably practicable.

(8) If visibility in all directions from every wind turbine generator in a group is more than 5km the light intensity for any light required by this article to be fitted to any generator in the group and displayed may be reduced to not less than 10% of the minimum peak intensity specified for a light of this type.

(9) In any particular case the CAA may direct that a wind turbine generator must be fitted with and display such additional lights in such positions and at such times as it may specify.

(10) This article does not apply to any wind turbine generator for which the CAA has granted a permission to the person in charge permitting that person not to fit and display lights in accordance with this article.

(11) A permission may be granted for the purposes of this article for a particular case or class of cases or generally.

(12) In this article—

(a) "wind turbine generator" is a generating station which is wholly or mainly driven by wind;

(b) the height of a wind turbine generator is the height of the fixed structure or if greater the maximum vertical extent of any blade attached to that structure; and

(c) a wind turbine generator is in the same group as another wind turbine generator if the same person is in charge of both and—

(i) it is within 2km of that other wind turbine generator; or

(ii) it is within 2km of a wind turbine generator which is in the same group as that other wind turbine generator.

Lights liable to endanger

224.—(1) A person must not exhibit in the United Kingdom any light which—

(a) by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome; or

(b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.

(2) If any light which appears to the CAA to be a light described in paragraph (1) is exhibited, the CAA may direct the person who is the occupier of the place where the light is exhibited or who has charge of the light, to take such steps within a reasonable time as are specified in the direction—

(a) to extinguish or screen the light; and

(b) to prevent in the future the exhibition of any other light which may similarly endanger aircraft.

(3) The direction may be served either personally or by post, or by affixing it in some conspicuous place near to the light to which it relates.

(4) In the case of a light which is or may be visible from any waters within the area of a general lighthouse authority, the power of the CAA under this article must not be exercised except with the consent of that authority.

Lights which dazzle or distract

225. A person must not in the United Kingdom direct or shine any light at any aircraft in flight so as to dazzle or distract the pilot of the aircraft.

PART 9

Documents and records

Aircraft continuing airworthiness record system for non-EASA aircraft

226.—(1) In addition to any other log books required to be kept by or under this Order, aircraft continuing airworthiness records must be kept for non-EASA aircraft registered in the United Kingdom, comprising of—

(a) an aircraft log book;

(b) a separate engine log book or engine module log cards for each engine fitted in the aircraft; and

(c) a separate propeller log book for each variable pitch propeller fitted to the aircraft; and

(d) log cards for any service life limited component, as appropriate.

(2) The continuing airworthiness records must include the information specified in Schedule 7.

(3) Each entry in the continuing airworthiness records—

(a) must be made—

(i) in the case of a certificate of release to service, as soon as practicable, but in no case more than 30 days after the date on which the maintenance was completed;

(ii) in all other cases, as soon as practicable after the occurrence to which it relates, but in no event more than 7 days after the expiration of the national airworthiness review certificate in force for the aircraft at the time of the occurrence;

(b) must be made on each occasion that any overhaul, repair, replacement, modification, maintenance or inspection is undertaken on the engine or propeller;

(c) must be clear and accurate; and

(d) where it is necessary to correct an earlier entry in the aircraft continuing airworthiness records, must be made in a manner that clearly shows the original entry.

(4) Any document which is incorporated by reference in the continuing airworthiness records is deemed, for the purposes of this Order, to be part of the continuing airworthiness records.

(5) It is the duty of the operator of every aircraft for which continuing airworthiness records are required to be kept to—

(a) keep them or cause them to be kept in accordance with this article; and

(b) present them to the CAA upon request.

(6) Subject to article 238, continuing airworthiness records must be preserved by the operator of the aircraft in accordance with paragraph 4 of Schedule 7.

(7) The operator must ensure that—

(a) when an aircraft is permanently transferred from one operator to another, the continuing airworthiness records and, if applicable, operator's technical log are also transferred;

(b) when the continuing airworthiness management tasks are contracted to a continuing airworthiness management organisation, the continuing airworthiness records are transferred to the organisation.

(8) Where a transfer of the continuing airworthiness records and, if applicable, operator's technical log happens in accordance with paragraph (7), the time periods for retention of records or log in paragraph 4 of Schedule 7 apply to the new operator or continuing airworthiness management organisation.

Technical log for non-EASA aircraft

227.—(1) This article applies to each non-EASA aircraft registered in the United Kingdom for which a certificate of airworthiness is in force and which is a commercial air transport aircraft, public transport aircraft or commercial operation aircraft.

(2) Subject to paragraph (3), a technical log containing the information in paragraph 5 of Schedule 7 must be kept for every aircraft to which this article applies.

(3) In the case of an aircraft which has a maximum total weight authorised of 2,730kg or less and which is not operated by the holder of a national air operator's certificate, a record approved by the CAA (in this article called "an approved record") may be kept instead of a technical log.

(4) Subject to paragraph (5), at the end of every flight the pilot in command must enter in the technical log or the approved record—

(a) the times when the aircraft took off and landed;

(b) information about any defect which is known to the pilot in command and which affects the airworthiness or safe operation of the aircraft, or if no such defect is known to the pilot in command, an entry to that effect; and

(c) such other information about the airworthiness or operation of the aircraft as the CAA may require,

and must sign and date the entries.

(5) Subject to paragraph (6), if there are two or more consecutive flights, each of which begins and ends—

(a) within the same period of 24 hours;

(b) at the same aerodrome, except where each such flight is for the purpose of dropping or projecting any material for agricultural, public health or similar purposes; and

(c) with the same person as pilot in command of the aircraft,

the pilot in command may make the entries specified in paragraph (4) at the end of the last of such consecutive flights.

(6) Paragraph (5) does not apply if the pilot in command becomes aware of a defect during an earlier flight.

(7) When any defect which has been entered in a technical log or approved record is rectified the person issuing a certificate of release to service issued under this Order or in respect of that defect must enter the certificate in the technical log or approved record in such a position as to be readily identifiable with the defect to which it relates.

(8) Subject to paragraph (9) and Schedule 10, the technical log or approved record—

(a) must be carried in the aircraft when article 229 so requires; and

(b) a copy of the entries required by this article must be kept on the ground.

(9) In the case of an aircraft with a maximum take-off mass of not more than 2,730kg and which is not a commercial air transport aircraft, a public transport aircraft or a non-military state aircraft, if it is not reasonably practicable for the copy of the technical log or approved record to be kept on the ground it may be carried in the aircraft.

(10) Subject to article 238, a technical log or approved record required by this article must be preserved by the operator of the aircraft to which it relates for at least two years after the aircraft has been destroyed or has been permanently withdrawn from use, or for such shorter period as the CAA may permit in a particular case.

Personal flying log

228.—(1) A personal flying log must be kept by—

(a) every member of the flight crew of an aircraft registered in the United Kingdom; and

(b) every person who engages in flying for the purpose of qualifying for the—

(i) grant of a flight crew licence under this Order;

(ii) grant of a flight crew licence issued by the CAA under Part-FCL;

(iii) grant, renewal or revalidation of a rating or certificate under this Order; or

(iv) grant, renewal or revalidation of a certificate under Part-FCL.

(2) The information to be recorded is—

(a) the name and address of the holder of the log;

(b) detailed information about the holder's licence (if any) to act as a member of the flight crew of an aircraft; and

(c) the name and address of the holder's employer (if any).

(3) Detailed information about each flight during which the holder of the log acted either—

(a) as a member of the flight crew of an aircraft; or

(b) for the purpose of qualifying for the grant, renewal or revalidation of a licence, rating or certificate under this Order or Part-FCL,

must be recorded in the log as soon as reasonably practicable after the end of each flight.

(4) The information recorded in accordance with paragraph (3) must include—

(a) the date, the places at which the holder of the log embarked on and disembarked from the aircraft and the time spent during the course of a flight when the holder was acting in either capacity;

(b) the type and registration marks of the aircraft;

(c) the capacity in which the holder acted in flight;

(d) information about any special conditions under which the flight was conducted, including night flying and instrument flying; and

(e) information about any test or examination undertaken by the holder of the log whilst in flight.

(5) Information about any test or examination undertaken whilst in a flight simulator must be recorded in the log, including—

(a) the date of the test or examination;

(b) the type of simulator;

(c) the capacity in which the holder acted; and

(d) the nature of the test or examination.

(6) For the purposes of this article, a helicopter is in flight from the moment the helicopter's rotor blades start turning until the moment the helicopter comes to rest at the end of the flight and the rotor blades are stopped.

Documents to be carried

229.—(1) An aircraft must not fly unless it carries the documents which it is required to carry under the law of the country in which it is registered.

(2) Subject to paragraphs (3) and (4), an aircraft registered in the United Kingdom must, when in flight, carry documents in accordance with Schedule 10.

(3) Paragraph (2) does not apply to an EU-OPS aeroplane or a Part-CAT aircraft flying for the purpose of commercial air transport.

(4) If a flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than the United Kingdom, the documents may be kept at that aerodrome instead of being carried in the aircraft.

Keeping and production of records of exposure to cosmic radiation

230.—(1) A relevant undertaking must keep a record for the period and in the manner prescribed of the exposure to cosmic radiation of air crew assessed under article 178 and the names of the air crew concerned.

(2) A relevant undertaking must, within a reasonable period after being requested to do so by an authorised person, cause to be produced to that person the record required to be kept under paragraph (1).

(3) A relevant undertaking must, within a reasonable period after being requested to do so by a person for whom a record is required to be kept under paragraph (1), supply a copy of that record to that person.

(4) In this article, "air crew" and "undertaking" have the same meaning as in article 178(3).

Use of flight recording systems

231.—(1) On a flight on which a flight data recorder, a cockpit voice recorder or a combined cockpit voice recorder and flight data recorder is required by paragraph 4(4), (5), (6) or (7) of Part 1 of Schedule 6 to be carried in an aeroplane, the recorder must always be in use from the beginning of the take-off run to the end of the landing run.

(2) On any flight on which a cockpit voice recorder, a flight data recorder or a combined cockpit voice recorder and flight data recorder is required by paragraph 4(12) of Part 1 of Schedule 6 to be carried in a helicopter, the recorder must always be in use from the time the rotors first turn for the purpose of taking off until the rotors are next stopped.

Preservation of records of aeroplane flight data recorder

232.—(1) Subject to article 238, the operator of an aeroplane must at all times—

(a) preserve the last 25 hours of recording made by any flight data recorder which must by or under this Order be carried in an aeroplane; and

(b) preserve a record of at least one representative flight made within the last 12 months.

(2) The representative flight referred to in paragraph (1)(b) must include a take-off, climb, cruise, descent, approach to landing and landing.

(3) The record required by paragraph (1)(b) must include a means of identifying the flight to which it relates.

(4) The operator of an aeroplane must preserve the records required by this article for such period as the CAA may direct.

Preservation of records of helicopter flight data recorder

233.—(1) This article applies to a helicopter required to carry a flight data recorder specified in paragraph (1) or (2) of Scale SS of paragraph 5 of Part 1 of Schedule 6.

(2) Subject to article 238, the operator of such a helicopter must at all times preserve the last eight hours of recording made by the flight data recorder.

Preservation of records of helicopter cockpit voice recorder and flight data recorder

234.—(1) This article applies to any helicopter required to carry a combined cockpit voice recorder and flight data recorder specified in paragraph (3) of Scale SS of paragraph 5 of Part 1 of Schedule 6.

(2) Subject to article 238, the operator of a helicopter must at all times preserve either the last eight hours of recording made by the combined cockpit voice recorder and flight data recorder or the recording specified in paragraph (3).

(3) The recording referred to in paragraph (2) is—

(a) the last five hours of recording or the duration of the last flight, whichever is the greater; and

(b) an additional period of recording in accordance with paragraph (4) and which together with the period preserved under sub-paragraph (a) amounts to eight hours.

(4) The additional period of recording referred to in paragraph (3) is—

(a) the period immediately preceding the period preserved under paragraph (3)(a); or

(b) such period or periods as the CAA may permit in any particular case or class of cases or generally.

(5) The additional recording specified in paragraph (4) must be retained in accordance with arrangements approved by the CAA.

Production of documents and records

235.—(1) The pilot in command of an aircraft must, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person—

(a) the certificates of registration and airworthiness in force for the aircraft;

(b) the licences of its flight crew; and

(c) any other documents which the aircraft is required by article 229 or an EASA Regulation to carry when in flight.

(2) The operator of an aircraft registered in the United Kingdom must, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person any of the documents or records specified in paragraph (3) which have been requested by that person.

(3) The documents and records referred to in paragraph (2) are—

(a) the documents referred to in Schedule 10 as Documents A, B and G;

(b) the aircraft log book, engine log books and variable pitch propeller log books required under this Order to be kept;

(c) the weight schedule, if any, required to be preserved under article 43(4);

(d) in the case of a public transport aircraft or commercial operation aircraft, the documents referred to in Schedule 10 as Documents D, E, F and H;

(e) the records of flight times, duty periods and rest periods which the operator is required by article 175(4) to preserve, and such other documents and information in the possession or control of the operator, as the authorised person may require for the purpose of determining whether those records are complete and accurate;

(f) any operations manuals required to be made available under article 116(4)(a); and

(g) the record made by any flight data recorder required to be carried by or under this Order.

(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 160 or article 162 or of a medical declaration under article 163 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 169, the medical certificate or the medical declaration, to be produced to that person.

(5) During the period of two years beginning with the date of the last entry in it every person required by article 228 to keep a personal flying log must cause it to be produced to an authorised person within a reasonable time after being requested to do so by that person.

Production of air traffic service equipment documents and records

236. The holder of an approval under article 205 or 206 must, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person any documents and records relating to any air traffic service equipment used or intended to be used in connection with the provision of a service to an aircraft.

Power to inspect and copy documents and records

237. An authorised person has the power to inspect and copy any certificate, licence, log, declaration, document or record which the authorised person has the power under this Order, under any regulations made under this Order, under EU-OPS or under an EASA Regulation to require to be produced.

Preservation of documents, etc

238.—(1) A person who is required by this Order to preserve any document or record by reason of being the operator of an aircraft is in this article called "the first operator".

(2) Subject to paragraph (3), if the first operator ceases to be the operator of an aircraft, they must continue to preserve the document or record—

(a) for the period specified in paragraphs (8) to (10), as appropriate; or

(b) if earlier, until paragraph (4) has been complied with.

(3) In the event of the death of the first operator the duty to preserve the document or record falls on the first operator's personal representative.

(4) If another person becomes the operator of the aircraft, the first operator or their personal representative must deliver to that other person on demand—

(a) the national airworthiness review certificate and release to service;

(b) the log books;

(c) the weight schedule; and

(d) any record made by a flight data recorder and preserved in accordance with article 233(2) and 234(2),

which are in force or required to be preserved for that aircraft.

(5) If an engine or variable pitch propeller is removed from an aircraft and installed in another aircraft operated by another person, the first operator of the aircraft or their personal representative must deliver to that other person on demand the log book relating to that engine or propeller.

(6) If any person for whom a record has been kept by the first operator in accordance with article 175(4) becomes a member of the flight crew of a public transport aircraft registered in the United Kingdom and operated by another person, the first operator or their personal representative must deliver those records to that other person on demand.

(7) It is the duty of the other person referred to in paragraphs (4), (5) and (6) to deal with the documents or records delivered under those provisions as if they were the first operator.

PART 10

Prohibited behaviour, directives, rules, powers and penalties

CHAPTER 1

Prohibited behaviour

Power to prohibit or restrict flying

239.—(1) If the Secretary of State decides it is necessary in the public interest to restrict or prohibit flying by reason of—

(a) the intended gathering or movement of a large number of persons;

(b) the intended holding of an aircraft race or contest or of a flying display; or

(c) national defence or any other reason affecting the public interest,

the Secretary of State may make regulations prohibiting, restricting or imposing conditions on flights by aircraft specified in paragraph (2) flying in the circumstances specified in paragraph (2).

(2) The aircraft and circumstances are—

(a) aircraft, whether or not they are registered in the United Kingdom, in any airspace over the United Kingdom or in the neighbourhood of an offshore installation; and

(b) aircraft which are registered in the United Kingdom, in any other airspace, being airspace for which the United Kingdom has, under international arrangements, undertaken to provide navigation services for aircraft.

(3) Regulations made under this article may apply either generally or in relation to any class of aircraft.

(4) It is an offence to contravene, permit the contravention of or fail to comply with any regulations made under this article.

(5) If the pilot in command of an aircraft becomes aware that the aircraft is flying in contravention of any regulations which have been made for any reason referred to in paragraph (1)(c) the pilot in command must, unless otherwise instructed under paragraph (6), cause the aircraft to leave the area to which the regulations relate by flying to the least possible extent over such area and the aircraft must not begin to descend while over such an area.

(6) The pilot in command of an aircraft flying either within an area for which regulations have been made for any reason referred to in paragraph (1)(c) or within airspace notified as a Danger Area must immediately comply with instructions given by radio by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

Endangering safety of an aircraft

240. A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.

Endangering safety of any person or property

241. A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.

Drunkenness in aircraft

242.—(1) A person must not enter any aircraft when drunk, or be drunk in any aircraft.

(2) A person must not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of acting as a member of the crew, be under the influence of drink or a drug to such an extent as to impair their capacity so to act.

Smoking in aircraft

243.—(1) In aircraft to which this paragraph applies, notices indicating when smoking is prohibited must be exhibited so as to be visible from each passenger seat.

(2) Paragraph (1) applies to any aircraft registered in the United Kingdom, other than a Part-CAT aircraft.

(3) A person must not smoke in any compartment of an aircraft registered in the United Kingdom at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the pilot in command of the aircraft.

Authority of pilot in command of an aircraft

244. Every person in an aircraft must obey all lawful commands which the pilot in command of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried in the aircraft, or the safety, efficiency or regularity of air navigation.

Acting in a disruptive manner

245. A person must not while in an aircraft—

(a) use any threatening, abusive or insulting words towards a member of the crew of the aircraft;

(b) behave in a threatening, abusive, insulting or disorderly manner towards a member of the crew of the aircraft; or

(c) intentionally interfere with the performance by a member of the crew of the aircraft of the crew member's duties.

Stowaways

246. A person must not secrete themself for the purpose of being carried in an aircraft without the consent of either the operator or the pilot in command or of any other person entitled to give consent to being carried in the aircraft.

Flights over any foreign country

247.—(1) The operator and the pilot in command of an aircraft registered in the United Kingdom (or, if the operator's principal place of business or permanent residence is in the United Kingdom, any other aircraft) which is being flown over any foreign country, must not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country.

(2) A person does not contravene paragraph (1) if that person neither knew nor suspected that the aircraft was being or was to be used for a purpose referred to in that paragraph.

(3) Subject to paragraph (4), the operator and the pilot in command of an aircraft registered in the United Kingdom (or, if the operator's principal place of business or permanent residence is in the United Kingdom, any other aircraft) which is being flown over any foreign country must comply with any directions given by the appropriate aeronautical authorities of that country whenever—

(a) the flight has not been duly authorised; or

(b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country.

(4) A direction under paragraph (3) need not be complied with if to do so would endanger the lives of persons on board or the safety of the aircraft.

(5) A person does not contravene paragraph (3) if that person neither knew nor suspected that directions were being given by the appropriate aeronautical authorities.

(6) The requirement in paragraph (3) is without prejudice to any other requirement to comply with directions of an aeronautical authority.

(7) In this article, "appropriate aeronautical authorities" includes any person, whether a member of a country's military or civil authorities, authorised under the law of the foreign country to issue directions to aircraft flying over that country.

CHAPTER 2

Directives and rules of the air

Operational directives

248.—(1) The CAA may direct an aircraft operator by means of an operational directive that an operation is prohibited, or must be limited or is subject to specified conditions, in the interests of safe operations.

(2) An operational directive must state—

(a) the reason for its issue;

(b) its applicability and duration; and

(c) the action required by the operator.

(3) An operational directive may be made in respect of one or more operators or one or more classes of operator.

(4) An operational directive may be revoked by the CAA.

(5) An operational directive which applies to an EU-OPS operator in relation to an A to A commercial air transport aeroplane operation—

(a) must be made subject to and in accordance with article 8 of the Technical Harmonisation Regulation; and

(b) if it is found not to be justified under article 8(1) of the Technical Harmonisation Regulation, must be revoked by the CAA.

(6) An operational directive which applies to a Part-CAT operator in relation to a commercial air transport operation—

(a) must be made subject to and in accordance with article 14(1) of the Basic EASA Regulation; and

(b) if it is found not to be justified under article 14(3) of the Basic EASA Regulation, must be revoked by the CAA.

Rules of the Air

249.—(1) The Secretary of State may make regulations (in this article called the "Rules of the Air") prescribing—

(a) the manner in which aircraft may move or fly including in particular provision for requiring aircraft to give way to military aircraft;

(b) the lights and other signals to be shown or made by aircraft or persons;

(c) the lighting and marking of aerodromes; and

(d) any other provisions for securing the safety of aircraft in flight and in movement and the safety of persons and property on the surface.

(2) Subject to paragraphs (3) and (4), it is an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air.

(3) It is lawful for the Rules of the Air, or for any obligation in SERA the breach of which would otherwise be an offence under this Order, to be departed from to the extent necessary—

(a) for avoiding immediate danger;

(b) for complying with the law of any country other than the United Kingdom within which the aircraft then is; or

(c) for complying with MAA01: Military Aviation Authority Regulatory Policy (Issue 4, published on 17th December 2014 and updated on 1st April 2015) and Regulatory Articles 2000 Series Flying Regulations (published on 11th November 2014 and updated on 21st April 2015) issued by the Secretary of State.

(4) It is lawful for the Rules of the Air, or for any obligation in SERA the breach of which would otherwise be an offence under this Order, to be departed from by an aircraft of which the pilot in command is acting as such in the course of the pilot in command's duty as a member of any of Her Majesty's naval, military or air forces.

(5) If any departure from the Rules of the Air, or from any obligation in SERA the breach of which would otherwise be an offence under this Order, is made for the purpose of avoiding immediate danger, the pilot in command of the aircraft must cause written detailed information about the departure, and of the circumstances giving rise to it, to be given without delay, and in any event within 10 days of the departure, to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the CAA.

(6) Nothing in the Rules of the Air exonerates any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

CHAPTER 3

Foreign registered aircraft

Restriction on carriage, where valuable consideration is given or promised, in aircraft registered elsewhere than in the United Kingdom

250.—(1) Unless paragraph (2) or (6) applies, an aircraft registered elsewhere than in the United Kingdom must not take on board or discharge any passengers or cargo in the United Kingdom where valuable consideration is given or promised for the carriage of such persons or cargo.

(2) This paragraph applies if—

(a) the operator or charterer of the aircraft or the Government of the country in which the aircraft is registered has been granted permission to take on board or discharge any passengers or cargo in the circumstances described in paragraph (1) by—

(i) the Secretary of State; or

(ii) the CAA; and

(b) any conditions, to which such permission may be subject, are satisfied.

(3) Where the Secretary of State decides to determine an application for permission under paragraph (2), the Secretary of State must notify both the CAA and the applicant.

(4) The CAA must not determine an application for permission where the Secretary of State has notified the CAA pursuant to paragraph (3).

(5) In exercising a function under this article, the CAA must take account of any guidance given to it by the Secretary of State (including as to the circumstances in which the Secretary of State expects to determine an application for permission).

(6) This paragraph applies if—

(a) the aircraft is flying pursuant to traffic rights conferred by Chapter III of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24th September 2008 on common rules for the operation of air services in the Community(**a**), as amended from time to time; or

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(**a**) O.J. No. L 293, 31.10.2008, p.3.

(b) an air operator's certificate has been issued to the operator of the aircraft pursuant to the Air Navigation (Overseas Territories) Order 2013.

(7) No operator or charterer of an aircraft in relation to which the prohibition in paragraph (1) applies may hold itself out as a person who may offer to take on board or discharge any passenger or cargo in the United Kingdom where valuable consideration is given or promised except where that person reasonably believes that paragraph (2) or (6) will apply in relation to the relevant aircraft, operator or charterer by the time the relevant flight is made.

Filing and approval of tariffs

251.—(1) If a permission granted under article 250(2) contains a tariff provision and the Secretary of State so requires, the operator or charterer of the aircraft concerned must file with the CAA the tariff which it proposes to apply on flights to which the said permission relates and the CAA must consider the proposed tariff and may approve or disapprove it.

(2) In this article, "tariff provision"—

(a) means a condition as to any of the following matters—

(i) the price to be charged for the carriage of passengers, baggage or cargo on flights to which a permission granted under article 250(2) relates;

(ii) any additional goods, services or other benefits to be provided in connection with such carriage;

(iii) the prices, if any, to be charged for any such additional goods, services or benefits; and

(iv) the commission, or rates of commission, to be paid in relation to the carriage of passengers, baggage or cargo; and

(b) includes any condition as to the applicability of any such price, the provision of any such goods, services or benefits or the payment of any such commission or of commission at any such rate.

Restriction on commercial operations in aircraft registered elsewhere than in an EEA state

252.—(1) Subject to paragraph (2), an aircraft registered elsewhere than in the United Kingdom must not fly over the United Kingdom for the purpose of commercial operations unless—

(a) the CAA has granted permission to do so to the operator or charterer of the aircraft; and

(b) any conditions, to which such permission may be subject, are satisfied.

(2) This article does not apply to an aircraft—

(a) registered in an EEA State;

(b) registered in a territory to which the Air Navigation (Overseas Territories) Order 2013 applies; or

(c) registered in the Isle of Man or Bailiwicks of Jersey or Guernsey.

CHAPTER 4

Powers and penalties

Revocation, suspension and variation of certificates, licences and other documents

253.—(1) Subject to paragraphs (5) and (6), the CAA may provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under this Order, pending inquiry into or consideration of the case.

(2) The CAA may, on sufficient ground being shown to its satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other document.

(3) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under this Order must surrender it to the CAA within a reasonable time after being required to do so by the CAA.

(4) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than an aerodrome licence, has been granted or issued or which has effect under this Order, in the absence of provision to the contrary in the document, renders the document invalid during the continuance of the breach.

(5) The provisions of this article do not apply in relation to any permission to which article 255 applies.

(6) A flight manual, performance schedule or other document incorporated by reference in a certificate of airworthiness may be varied on sufficient ground being shown to the satisfaction of the CAA, whether or not after due inquiry.

Provisional suspension or variation of EASA certificates, licences and other documents

254.—(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.

(2) A provisional suspension or variation under paragraph (1) ceases to have effect where—

(a) it is withdrawn by the CAA; or

(b) it is revoked by the CAA following a finding, in accordance with article 14(3) of the Basic EASA Regulation, that it is not justified.

(3) The CAA must revoke a provisional suspension or variation if it is found not to be justified under Article 14(3) of the Basic EASA Regulation.

Revocation, suspension and variation of permissions, etc granted under article 250 or article 252

255.—(1) This article applies to any permission granted by the Secretary of State under article 250 or by the CAA under article 250 or article 252.

(2) Subject to paragraph (7), the Secretary of State or the CAA may revoke, suspend or vary any permission to which this article applies after having given notice to the other and considered representations from the operator or charterer concerned.

(3) Subject to paragraph (7), the Secretary of State or the CAA may without notice revoke, suspend or vary any permission to which this article applies for reasons of urgency, in which case paragraph (4) applies.

(4) Where this paragraph applies, the person who revoked, suspended or varied any permission without notice under paragraph (3) must consider any representations made subsequently by the operator or charterer concerned and in response to such representations may—

(a) confirm, vary or lift the suspension;

(b) confirm the revocation of permission; or

(c) reinstate the permission with or without additional or varied conditions.

(5) In acting under paragraph (4), the Secretary of State or the CAA must act as soon as reasonably practicable.

(6) In particular, and without limitation, the Secretary of State may exercise the powers under paragraphs (2) and (3) if it appears that—

(a) the operator or charterer has committed a breach of any condition to which the permission is subject;

(b) any agreement between Her Majesty's Government in the United Kingdom and the Government of any other country pursuant to which the permission was granted is no longer in force or that the other Government has breached the agreement;

(c) the operator or charterer who has been granted permission, or a Government of another country which is a party to an agreement referred to in sub-paragraph (b), or the aeronautical authorities of the country concerned, has—

(i) acted in a manner which is inconsistent with or prejudicial to the operation in good faith, according to its object and purpose, of any such agreement; or

(ii) engaged in unfair, discriminatory or restrictive practices to the prejudice of the holder of an air transport licence or a route licence in the operation of air services; or

(d) the operator or charterer, having been granted permission as a result of being designated by the Government of any other country for the purposes of an agreement referred to in sub-paragraph (b)—

(i) is no longer so designated; or

(ii) has conducted itself in such a way or is involved in such circumstances that the Secretary of State considers the exercise of those powers to be necessary or expedient.

(7) The CAA may only exercise the powers in paragraph (2) or (3) if it considers it necessary or expedient to do so for reasons of aviation safety.

Prohibitions in relation to documents and records

256.—(1) A person must not, with intent to deceive—

(a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under this Order, by or under an EASA Regulation or by or under EU-OPS which has been forged, altered, revoked or suspended, or to which the person is not entitled;

(b) lend any certificate, licence, approval, permission, exemption or any other document issued or having effect or required by or under this Order, by or under an EASA Regulation or by or under EU-OPS to, or allow it to be used by, any other person; or

(c) make any false representation for the purpose of procuring for any person the grant, issue, renewal or variation of any such certificate, licence, approval, permission, exemption or other document; or

(d) make any false representation in connection with the making of a declaration to the CAA required by or under this Order or by or under an EASA Regulation.

(2) In paragraph (1), a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy.

(3) A person must not intentionally damage, alter or render illegible—

(a) any log book or other record required to be maintained by or under this Order, by or under an EASA Regulation or by or under EU-OPS; or

(b) any entry made in such a log book or record.

(4) A person must not—

(a) knowingly make, or procure or assist in the making of, any false entry in or material omission from any log book or record referred to in paragraph (3); or

(b) destroy any such log book or record during the period for which it is required under this Order to be preserved.

(5) All entries made in writing in any log book or record referred to in paragraph (3) must be made in ink or indelible pencil.

(6) A person must not knowingly make in a load sheet any entry which is incorrect in any material particular, or any material omission from such a load sheet.

(7) A person must not purport to issue any certificate for the purposes of this Order, any regulations made under this Order, an EASA Regulation or EU-OPS unless authorised to do so by the relevant legislation.

(8) A person must not issue any certificate referred to in paragraph (7) unless satisfied that all statements in the certificate are correct.

CAA's power to prevent aircraft flying

257.—(1) If it appears to the CAA or an authorised person that any aircraft is intended or likely to be flown in any of the circumstances specified in paragraph (2), the CAA or that authorised person may direct in accordance with paragraph (3).

(2) The circumstances referred to in paragraph (1) are—

(a) where any provision of article 24, 32, 33, 66, 97, 98, 99, 101, 102, 103, 122, 136, 137, 231 or 242(2) would be contravened in relation to the flight;

(b) where the flight would be in contravention of any other provision of this Order, of any regulations made under this Order, of an EASA Regulation or of EU-OPS and be a cause of danger to any person or property whether or not in the aircraft; or

(c) where the aircraft is in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of this Order, of any regulations made under this Order, of an EASA Regulation or of EU-OPS.

(3) If paragraph (1) applies, the CAA or that authorised person may direct the operator or the pilot in command of the aircraft not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the CAA or by an authorised person.

(4) If the CAA or an authorised person has directed under paragraph (3), the CAA or an authorised person may take such steps as are necessary to detain the aircraft.

(5) For the purposes of this article, the CAA or any authorised person may enter and inspect any aircraft.

Grounded aircraft not to fly

258. An aircraft which has been grounded in accordance with paragraph ARO.RAMP.140 of Part-ARO and which has not subsequently been permitted to fly must not be flown.

Secretary of State's power to prevent aircraft flying

259.—(1) If it appears to the Secretary of State or an authorised person that any aircraft is intended or likely to be flown in any of the circumstances specified in paragraph (2), the Secretary of State or that authorised person may make a direction in accordance with paragraph (3).

(2) The circumstances referred to in paragraph (1) are where any provision of article 247, 250 or 252 would be contravened in relation to the flight.

(3) If paragraph (1) applies, the Secretary of State or that authorised person may direct the operator or the pilot in command of the aircraft not to permit the aircraft to make a particular flight or any other flight of such description as may be specified in the direction until the direction has been revoked by the Secretary of State or by an authorised person.

(4) The Secretary of State or any authorised person may take such steps as are necessary to detain an aircraft concerning which a direction has been made under paragraph (1).

(5) For the purposes of paragraph (1), the Secretary of State or any authorised person may enter any aerodrome and may enter and inspect any aircraft.

Directions to operators of aircraft to make data available

260.—(1) The Secretary of State may give a direction to any person who is an operator of an aircraft referred to in paragraph (2) requiring the operator to take the action referred to in paragraph (3).

(2) The aircraft is one which (alone or in combination with one or more other aircraft operated by the operator) is flown for the carriage of passengers from the United Kingdom (directly or via another country) to a country which is outside the European Economic Area and is specified in the direction.

(3) The action is the making available electronically of data in respect of all passengers and crew on the aircraft or expected to be on the aircraft.

(4) A direction may be given in respect of—

(a) all aircraft;

(b) any aircraft; or

(c) any class of aircraft,

of which (at the time when the direction is given or at any subsequent time) the person is the operator and which is or are specified in the direction.

(5) A direction must specify—

(a) the competent authorities of the country to whom the data are to be made available electronically; and

(b) the types of data to which the direction relates.

(6) A direction only has effect in relation to data which are collected and contained in the operator's automated reservation system or departure control system.

Right of access to aerodromes and other places

261.—(1) Subject to paragraph (2), the CAA and any authorised person has the right of access at all reasonable times—

(a) to any aerodrome for the purpose of inspecting the aerodrome;

(b) to any aerodrome for the purpose of inspecting any aircraft on the aerodrome or any document which it or the authorised person has power to demand under this Order, or for the purpose of detaining any aircraft under the provisions of this Order;

(c) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document which it or the authorised person has power to demand under this Order and for the purpose of detaining the aircraft under the provisions of this Order;

(d) to any building or place from which an air traffic control service is being provided or where any air traffic service equipment requiring approval under article 205 is situated for the purpose of inspecting—

(i) any equipment used or intended to be used in connection with the provision of a service to an aircraft in flight or on the ground; or

(ii) any document or record which it or the authorised person has power to demand under this Order.

(2) Access to a Government aerodrome may only be obtained with the permission of the person in charge of the aerodrome.

Access and inspection for airworthiness purposes

262.—(1) The CAA may cause such inspections, investigations, tests, experiments and flight trials to be made as it deems necessary for the purposes of Part 4 of this Order or for the purposes of Part 21, Part 145 or Part M.

(2) Any person authorised to do so by the CAA may at any reasonable time inspect any part of, or material intended to be incorporated in or used in the manufacture of any part of, an aircraft or its equipment or any documents relating to the aircraft and may for that purpose go onto any aerodrome or enter any aircraft factory.

Obstruction of persons

263. A person must not intentionally obstruct or impede any person who is exercising a power or performing a duty under this Order, under EU-OPS or under an EASA Regulation.

Directions and directives

264.—(1) Any person who without reasonable excuse fails to comply with any direction or directive given to that person under any provision of this Order or any regulations made under this Order is deemed for the purposes of article 265 to have contravened that provision.

(2) Where any provision of this Order or any regulations made under this Order gives to a person the power to direct, the person to whom such a power is given also has the power to revoke or vary any such direction or directive.

Offences and penalties

265.—(1) Subject to paragraph (2), if any provision of this Order, any regulations made under this Order, an EASA Regulation or EU-OPS is contravened in relation to an aircraft, the operator of that aircraft and the pilot in command and, in the case of a contravention of article 250, the charterer of that aircraft, is (without prejudice to the liability of any other person for that contravention) deemed for the purposes of the following provisions of this article to have contravened that provision.

(2) A person will not be deemed to have contravened a provision specified in paragraph (1) if the person proves that the contravention occurred without that person's consent or connivance and that that person exercised all due diligence to prevent the contravention.

(3) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order, any regulations made under this Order, an EASA Regulation or EU-OPS was due to any cause not avoidable by the exercise of reasonable care by that person, the act or omission will be deemed not to be a contravention by that person of that provision.

(4) If a person is charged with contravening a provision of this Order or any regulations made under this Order by reason of that person having been a member of the flight crew of an aircraft on a flight for the purpose of commercial air transport, public transport or commercial operation, the flight is to be treated (without prejudice to the liability of any other person under this Order) as not having been for that purpose if the person proves that they neither knew nor suspected that the flight was for that purpose.

(5) Any person who contravenes any provision specified in Part 1 of Schedule 13 is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) Any person who contravenes any provision specified in Part 2 of Schedule 13 is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(7) Any person who contravenes any provision specified in Part 3 of Schedule 13 is guilty of an offence and punishable—

(a) on summary conviction—

(i) in England and Wales by a fine; or

(ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or

(b) on conviction on indictment by a fine or by imprisonment for a term not exceeding two years, or to both.

(8) Any person who contravenes any provision specified in Part D of Schedule 13 is guilty of an offence and punishable—

(a) on summary conviction—

(i) in England and Wales by a fine; or

(ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or

(b) on conviction on indictment by a fine or by imprisonment for a term not exceeding five years, or to both.

Exemption from Order

266. The CAA may exempt from any of the provisions of this Order (other than articles 179, 230, 247, 250, 251, 252, 255, and 267) or any regulations made under this Order, any aircraft or persons or classes of aircraft or persons, subject to such conditions it deems appropriate.

Appeal to County Court or Sheriff Court

267.—(1) Subject to paragraphs (3), (4) and (5), an appeal lies to a county court from any decision of the CAA that a person is not a fit person to hold a licence to act as—

(a) an aircraft maintenance engineer;

(b) a member of the flight crew of an aircraft;

(c) an air traffic controller;

(d) a student air traffic controller; or

(e) a flight information service officer.

(2) If the court is satisfied that, on the evidence submitted to the CAA, it was wrong in deciding that a person is not a fit person to hold a licence, the court may reverse the CAA's decision and the CAA must give effect to the court's determination.

(3) An appeal does not lie from a decision of the CAA that a person is not qualified to hold the licence by reason of a deficiency in that person's knowledge, experience, competence, skill, physical or mental fitness.

(4) If the appellant resides or has its registered or principal office in Scotland, the appeal lies to the sheriff within whose jurisdiction the appellant resides and the appeal is by way of summary application.

(5) Notwithstanding any provision to the contrary in rules governing appeals to the county court in Northern Ireland, if the appellant resides or has its registered or principal office in Northern Ireland the appeal lies to a county court held under the County Courts (Northern Ireland) Order 1980.

(6) The CAA is a respondent to any appeal under this article.

(7) For the purposes of any provision relating to the time within which an appeal may be brought, the CAA's decision is deemed to have been taken on the date on which the CAA supplied a statement of its reasons for the decision to the applicant for the licence or the holder or former holder of it.

(8) In the case of an appeal to the sheriff—

(a) the sheriff may, if the sheriff thinks fit, and on the application of any party, appoint one or more persons of skill and experience in the matter to which the proceedings relate to act as assessor;

(b) where it is proposed to appoint any person as an assessor, an objection to the proposed assessor, either personally or concerning the proposed assessor's qualification, may be stated by any party to the appeal and must be considered and disposed of by the sheriff.

(9) The assessors for each sheriffdom must be appointed from a list of persons approved for the purposes by the sheriff principal and—

(a) such a list must be published in such manner as the sheriff principal directs;

(b) such a list will be in force for three years only, but persons entered in any such list may be again approved in any subsequent list; and

(c) it is lawful for the sheriff principal to defer the preparation of such a list until application has been made to appoint an assessor in an appeal in one of the courts in their sheriffdom.

(10) The sheriff before whom an appeal is heard with the assistance of an assessor must make a note of any question submitted by the sheriff to such assessor and of the answer to that question.

(11) An appeal lies on a point of law from any decision of a sheriff under this article to the Court of Session.

Approval of persons to supply reports

268. In relation to any of its functions under any of the provisions of this Order the CAA may approve a person as qualified to supply reports to it and may accept such reports.

Certificates, authorisations, approvals and permissions

269. Wherever in this Order there is provision for the issue or grant of a certificate, authorisation, approval or permission by the CAA, unless otherwise provided, such a certificate, authorisation, approval or permission—

(a) must be in writing;

(b) may be issued or granted subject to such conditions as the CAA thinks fit; and

(c) may be issued or granted, subject to article 253, for such periods as the CAA thinks fit.

Competent authority

270.—(1) The CAA is the national aviation authority of the United Kingdom for the purposes of the Basic EASA Regulation.

(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;

(c) the EASA Continuing Airworthiness Regulation;

(d) the EASA Air Operations Regulation;

(e) the EASA Aerodromes Regulation;

(f) the Standardised European Rules of the Air Regulation; and

(g) the Occurrence Reporting Regulation.

(3) The CAA is the competent authority of the United Kingdom for the purposes of EU-OPS.

(4) The Secretary of State is the competent authority under article 15 of Council Directive 96/29/Euratom for the purposes of article 42 of that Directive.

(5) The CAA is the national supervisory authority and the competent authority of the United Kingdom for the purposes of Article 4 and Article 27 of the EASA Air Traffic Controllers' Licensing Regulation.

Functions under the Basic EASA Regulation to be exercised by the CAA

271.—(1) Subject to paragraph (2), the functions conferred on the United Kingdom by Article 14(4) of the Basic EASA Regulation are to be exercised by the CAA.

(2) The CAA must obtain the consent of the Secretary of State prior to granting any exemption in accordance with Article 14(4) of the Basic EASA Regulation which—

(a) is repetitive; or

(b) is for more than two months.

Functions under the EASA Aircrew Regulation to be exercised by the CAA

272. The function conferred on the United Kingdom by Article 4(8) of the EASA Aircrew Regulation is to be exercised by the CAA.

Functions under the Occurrence Reporting Regulation to be exercised by the CAA

273. The functions conferred on the United Kingdom by Articles 3(2), 4(3), 5(2), 5(6), 5(7), 6(3), 7(3), 8(2), 9, 13(6), 13(7), 13(8), 13(10), 13(11), 13(12), 15(1), 15(2), and 16(3) of the Occurrence Reporting Regulation are to be exercised by the CAA.

PART 11

Revocations and savings, consequential amendments and transitional arrangements

Revocations and savings, consequential amendments and transitional arrangements

274.—(1) Schedule 14 (revocations and savings, consequential amendments and transitional arrangements) has effect.

(2) Subject to articles 212, 214 and 216, nothing in this Order or any regulations made under this Order confers any right to land in any place as against the owner of the land or any other persons interested in the land.

(3) Subject to paragraph (4), anything done under, or by virtue of, any article or regulation revoked by this Order, if it could have been done under or for the purpose of the corresponding provision of this Order, is to be deemed to have been done under or by virtue of the corresponding provision of this Order and anything begun under, or by virtue of, any such article or regulation may be continued under this Order as if begun under this Order.

(4) Nothing in this Order obliges the CAA to accept an application from the holder of any current certificate, licence, approval, permission, exemption or other document, being an application for the renewal of that document, or for the grant of another document in continuation of or in substitution for the current document, if the application is made more than 60 days before the current document is due to expire.

PART 12

Review

Review

275.—(1) The Secretary of State must from time to time—

(a) carry out a review of 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 Council Directive 96/29/Euratom (which is in part implemented by means of this Order) ,or any other EU obligation implemented by this Order, is 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 the end of the period of five years beginning with the day on which this Order comes into force.

(5) Reports under this article are afterwards to be published at intervals not exceeding five years.

Ceri King
Deputy Clerk of the Privy Council

SCHEDULES

SCHEDULE 1 Article 2

INTERPRETATION

1. In this Order—

"the 2015 Regulations" means the International Interests in Aircraft Equipment (Cape Town Convention) Regulations 2015(**a**);

"A to A commercial air transport aeroplane" means an aeroplane flying, or intended by the operator to fly, on an A to A commercial air transport aeroplane operation;

"A to A commercial air transport aeroplane operation" means an aircraft operation—

(a) by a performance class B aeroplane;

(b) for the purpose of transporting passengers, cargo or mail for remuneration or other valuable consideration; and

(c) starting and ending at the same place;

"A to A commercial air transport helicopter operation" means an aircraft operation—

(a) by a non-complex helicopter;

(b) for the purpose of transporting passengers, cargo or mail for remuneration or other valuable consideration; and

(c) starting and ending at the same place;

"A to A public transport flight" means a flight for the purpose of public transport by an aircraft starting and ending at the same place;

"Accident prevention and flight safety programme" means a programme designed to detect and eliminate or avoid hazards in order to improve the safety of flight operations;

"A Conditions" means the conditions set out in Chapter 1 of Part 1 of Schedule 3;

"ACAS II" means the airborne collision avoidance system II referred to in the Airborne Collision Avoidance Regulation;

"aerobatic manoeuvres" means loops, spins, rolls, bunts, stall turns, inverted flying and any other similar manoeuvre intentionally performed by an aircraft involving—

(a) an abrupt change in its attitude;

(b) an abnormal attitude; or

(c) an abnormal variation in speed,

(**a**) S.I. 2015/912.

not necessary for normal flight or for instruction for licences or ratings other than aerobatic rating;

"Aerodrome"—

(a) means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft; and

(b) includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically; but

(c) does not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

"Aerodrome control service" means an air traffic control service to aerodrome traffic;

"Aerodrome operating minima" in relation to the operation of an aircraft at an aerodrome means the cloud ceiling and runway visual range for take-off, and the decision height or minimum descent height, runway visual range and visual reference for landing, which are the minimum for the operation of that aircraft at that aerodrome;

"Aerodrome traffic" means all traffic on the manoeuvring area of an aerodrome and all aircraft flying in the vicinity of an aerodrome and includes, but is not limited to, aircraft entering or leaving an aerodrome traffic circuit;

"Aerodrome traffic circuit" means the path to be flown by aircraft operating in the vicinity of an aerodrome under provision 3225(b) of SERA;

"Aerodrome traffic zone" has the meaning assigned to it by article 5;

"Aeronautical beacon" means an aeronautical ground light which is visible either continuously or intermittently to designate a particular point on the surface of the earth;

"Aeronautical ground light" means any light specifically provided as an aid to air navigation, other than a light displayed on an aircraft;

"Aeronautical radio station" means a radio station on the surface, which transmits or receives signals for the purpose of assisting aircraft;

"Airborne Collision Avoidance Regulation" means Commission Regulation (EU) No. 1332/2011 of 16th December 2011 laying down common airspace usage requirements and operating procedures for airborne collision avoidance(**a**), as amended from time to time

"Aircraft rating" includes a type rating and a class rating;

"Air/ground communications service" means a service provided from an aerodrome to aerodrome traffic by means of radio signals and "air/ground communications service unit" is to be construed accordingly;

"Air traffic control service" means a service provided for the purpose of preventing collisions between aircraft, and, on the manoeuvring area, between aircraft and obstructions, and expediting and maintaining an orderly flow of air traffic;

"Air traffic control unit" means a unit of air traffic controllers established by a person appointed by a person maintaining an aerodrome or other place in order to provide an area control service, an aerodrome control service or an approach control service;

"Air traffic service equipment" means ground based equipment, including an aeronautical radio station, used or intended to be used in connection with the provision of a service to an aircraft in flight or on the ground which equipment is not otherwise approved by or under this Order but excluding—

(a) any public electronic communications network; and

(b) any equipment concerning which the CAA has made a direction that it is not air traffic service equipment for the purposes of articles 205 and 206;

(**a**) O.J. No. L 336, 20.12.2011, p.20.

"Altitude hold and heading mode" mean aircraft autopilot functions which enable the aircraft to maintain an accurate height and an accurate heading;

"annual cost", in relation to the operation of an aircraft, means the cost (excluding any element of profit) of keeping, maintaining and operating the aircraft over the period of one year;

"Annual flying hours" means the best estimate reasonably practicable at the time of a particular flight by an aircraft of the hours flown or to be flown by the aircraft for the year commencing on the first day of January preceding the date of the flight;

"Approach control service" means an air traffic control service for any aircraft which is not receiving an aerodrome control service, which is flying in, or in the vicinity of the aerodrome traffic zone of the aerodrome for which the service is being provided, whether or not the aircraft is flying by visual reference to the surface;

"Approach to landing" means that portion of the flight of the aircraft, when approaching to land, in which it is descending below a height of 1,000 feet above the relevant specified decision height or minimum descent height;

"Appropriate aeronautical radio station" means in relation to an aircraft an aeronautical radio station serving the area in which the aircraft is for the time being;

"Appropriate air traffic control unit" means, in relation to an aircraft, as the context requires—

(a) the air traffic control unit serving the area in which the aircraft currently is; or

(b) the air traffic control unit serving the area which the aircraft intends to enter and with which unit the aircraft is required to communicate before entering that area;

"Apron" means the part of an aerodrome provided for the stationing of aircraft for—

(a) the embarkation and disembarkation of passengers;

(b) the loading and unloading of mail or cargo;

(c) maintenance; and

(d) parking;

"Area control centre" means an air traffic control unit established to provide an area control service to aircraft flying within a notified flight information region which are not receiving an aerodrome control service or an approach control service;

"Area control service" means an air traffic control service for flights subject to an air traffic control clearance in control areas;

"Area navigation equipment" means equipment carried on board an aircraft which enables the aircraft to navigate on any desired flight path within the coverage of appropriate ground based navigation aids or within the limits of that on-board equipment or a combination of the two;

"Authorised person" means—

(a) any constable;

(b) in any article other than article 259, any person authorised by the CAA (whether by name or by class or description) either generally or in relation to a particular case or class of cases; and

(c) in article 259, any person authorised by the Secretary of State (whether by name, or by class or description) either generally or in relation to a particular case or class of cases;

"Automated reservation system" means the central reservation system of the operator of an aircraft which holds data relating to a flight booked by or on behalf of a passenger;

"B Conditions" means the conditions set out in Chapter 2 of Part 1 of Schedule 3;

"Basic EASA Regulation" means Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20th February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive

91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC(**a**), as amended from time to time;

"Beneficial interest" includes interests arising under contract and other equitable interests;

"British protected person" has the same meaning as in section 50 of the British Nationality Act 1981(**b**);

"Cabin crew" in relation to an aircraft means those persons on a public transport flight carried for the purpose of performing duties to be assigned by the operator or the pilot in command of the aircraft in the interests of the safety of passengers but who do not act as a member of the flight crew;

"Captive balloon" means a balloon which when in flight is attached by a restraining device to the surface;

"Captive flight" means flight by an uncontrollable balloon during which it is attached to the surface by a restraining device;

"Cargo" includes mail and animals;

"Category II approach and landing" means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—

(a) a decision height below 200 feet but not less than 100 feet; and

(b) a runway visual range of not less than 300 metres;

"Category IIIA approach and landing" means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—

(a) a decision height lower than 100 feet; and

(b) a runway visual range of not less than 200 metres;

"Category IIIB approach and landing" means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—

(a) a decision height lower than 50 feet or no decision height; and

(b) a runway visual range of less than 200 metres but not less than 75 metres;

"Certificate of airworthiness" includes in the case of a national certificate of airworthiness any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;

"Certificate of release to service issued under this Order" means a certificate issued in accordance with article 47 by a person specified in article 48;

"Certificate of revalidation" means a certificate issued in accordance with Chapter 2 of Part 3 of Schedule 8 for the purpose of maintaining the privileges of a flight crew licence;

"Certificate of validity" has the meaning assigned to it by article 41(5);

"Certificated for single pilot operation" means in relation to an aircraft one which is not required to carry more than one pilot by virtue of any one or more of the following—

(a) the certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered or the related flight manual;

(b) if no certificate of airworthiness is required to be in force, the certificate of airworthiness, if any, last in force for the aircraft or the related flight manual;

(c) if no certificate of airworthiness is or has previously been in force but the aircraft is identical in design with an aircraft for which such a certificate is or has been in force, the certificate of airworthiness which is or has been in force for such an identical aircraft or the related flight manual; or

(d) in the case of an aircraft flying in accordance with the conditions of a national permit to fly or an EASA permit to fly, that permit to fly;

(**a**) O.J. No. L 79, 19.03.2008, p.1.
(**b**) 1981 c.61.

"certification" means any form of recognition that a product, part or appliance, organisation or person complies with the applicable requirements including the provisions of this Order or the Basic EASA Regulation and its implementing rules, as well as the issue of any certificate attesting to such compliance;

"certification specifications" means technical standards adopted by the European Aviation Safety Agency indicating means to show compliance with the EASA Regulation, as amended from time to time, and which can be used by an organisation for the purpose of certification;

"Chicago Convention" means the Convention on International Civil Aviation and its Annexes(**a**), signed in Chicago on 7th December 1944, as amended;

"Class A airspace", "Class B airspace", "Class C airspace", "Class D airspace", "Class E airspace", "Class F airspace" and "Class G airspace" mean airspace respectively notified as such;

"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;

"Cloud ceiling" means the height above the ground or water of the base of the lowest layer of cloud below 6,000 metres which, when visible from the aerodrome, is sufficient to obscure more than half the sky;

"the Commonwealth" means the United Kingdom, the Channel Islands, the Isle of Man, the countries mentioned in Schedule 3 to the British Nationality Act 1981 and all other territories forming part of Her Majesty's dominions or in which Her Majesty has jurisdiction and "Commonwealth citizen" is to be construed accordingly;

"Commercial air transport aircraft" means an aircraft flying, or intended by the operator to fly, for the purpose of commercial air transport;

"Commercial air transport operation" means an aircraft operation for the purpose of transporting passengers, cargo or mail for remuneration or other valuable consideration which is required to be conducted under and in accordance with Part-CAT and Part-ORO but which is not an A to A commercial air transport aeroplane operation or an A to A commercial air transport helicopter operation;

"commercial operation aircraft" means an aircraft (other than a commercial air transport aircraft or a public transport aircraft) flying, or intended by the operator to fly, for the purpose of commercial operation;

"commercial operation flight" means a flight for the purpose of commercial operation;

"commercial operation undertaking" means an undertaking whose business includes the performance of commercial operation;

"Competent authority" means, subject to article 270, in relation to the United Kingdom, the CAA, and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation;

"complex aeroplane" means an aeroplane which is a complex motor-powered aircraft, and non-complex aeroplane is to be construed accordingly;

"complex helicopter" means a helicopter which is a complex motor-powered aircraft, and non-complex helicopter is to be construed accordingly;

"complex motor-powered aircraft" means—

(a) an aeroplane—

(i) with a maximum take-off mass exceeding 5,700kg;

(ii) certificated for a maximum passenger seating configuration of more than nineteen;

(iii) certificated for operation with a minimum crew of at least two pilots; or

(iv) equipped with a turbojet engines or more than one turboprop engine;

(**a**) Treaty Series No. 8 (1953); Cmd 8742.

(b) a helicopter certificated—

(i) for a maximum take-off mass exceeding 3,175kg;

(ii) for a maximum passenger seating configuration of more than nine; or

(iii) for operation with a minimum crew of at least two pilots;

(c) a tilt rotor aircraft,

and "non-complex motor-powered aircraft" is to be construed accordingly;

"Conditional sale agreement" has the same meaning as in section 189 of the Consumer Credit Act 1974(**a**);

"Congested area" in relation to a city, town or settlement, means any area which is substantially used for residential, industrial, commercial or recreational purposes;

"Contracting State" means any State (including the United Kingdom) which is party to the Chicago Convention;

"Controllable balloon" means a balloon which is not a small balloon and which is capable of free con-trolled flight;

"Controlled airspace" means airspace which has been notified as Class A airspace, Class B airspace, Class C airspace, Class D airspace, Class E airspace, Class F airspace or Class G airspace;

"Control area" means controlled airspace which has been further notified as a control area and which extends upwards from a notified altitude or flight level;

"Control zone" means controlled airspace which has been further notified as a control zone and which extends upwards from the surface;

"Co-pilot" means a pilot who in performing duties as such is subject to the direction of another pilot carried in the aircraft;

"Country" includes a territory;

"Crew" means persons carried in an aircraft who are—

(a) a member of the flight crew;

(b) a person carried on the flight deck who is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required for the flight crew under article 114(2) or any provision of EU-OPS; or

(c) a member of the cabin crew;

"Critical power unit" means the power unit whose failure would most adversely affect the performance or handling qualities of an aircraft;

"cross-country flight" means a flight between a point of departure and a point of arrival following a pre-planned route, using standard navigation procedures;

"day" means the time from half an hour before sunrise until half an hour after sunset (both times exclusive), sunset and sunrise being determined at surface level;

"Danger Area" means airspace which has been notified as such within which activities dangerous to the flight of aircraft may take place or exist at such times as may be notified;

"Decision height" in relation to the operation of an aircraft at an aerodrome means the height in a precision approach at which a missed approach must be initiated if the required visual reference to continue that approach has not been established;

"Declared distance" has the meaning which has been notified;

"Departure control system" means, in relation to an operator of an aircraft, the system used by the operator to check passengers onto a flight;

(**a**) 1974 c.39.

"destination alternate aerodrome" means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or to land at the aerodrome of intended landing;

"direct cost" means the cost (excluding any element of profit) directly incurred in relation to a flight, including—

(a) the cost of fuel;

(b) any charges payable in respect of the use of any airfield in connection with the flight; or

(c) any rental or hire fees for the use of the aircraft;

"Director" has the same meaning as in section 250 of the Companies Act 2006;

"EASA" means the European Aviation Safety Agency established under the Basic EASA Regulation;

"EASA aerodrome certificate" means a certificate issued under the EASA Aerodromes Regulation;

"EASA Aerodromes Regulation" means Commission Regulation (EU) No 139/2014 of 12th February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council(**a**), as amended from time to time;

"EASA Air Operations Regulation" means Commission Regulation (EU) No 965/2012 of 5th October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council(**b**), as amended from time to time;

"EASA Air Traffic Controller Licensing Regulation" means 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(**c**), as amended from time to time;

"EASA aircraft" means an aircraft which is required by the Basic EASA Regulation and any implementing rules adopted by the Commission in accordance with that Regulation to hold an EASA certificate of airworthiness, an EASA restricted certificate of airworthiness or an EASA permit to fly;

"EASA Aircraft Certification Regulation" means Commission Regulation (EC) No 748/2012 of 3rd August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations(**d**), as amended from time to time;

"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 air crew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council(**e**), as amended from time to time;

"EASA certificate of airworthiness" means a certificate of airworthiness issued for an EASA aircraft under and in accordance with subpart H of Part 21;

"EASA certified aerodrome" means an aerodrome for which an EASA aerodrome certificate is in force;

"EASA Continuing Airworthiness Regulation" means Commission Regulation (EC) No 1321/2014 of 26th November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks(**f**), as amended from time to time;

(**a**) O.J. No. L 44, 14.02.2014, p.1.
(**b**) O.J. No. L 296, 25.10.2012, p.1.
(**c**) O.J. No. L 206, 11.08.2011, p.21.
(**d**) O.J. No. L 224, 21.08.2012, p.1.
(**e**) O.J. No. L 311, 25.11.2011, p.1.
(**f**) O.J. No. L 362, 17.12.2014, p.1.

"EASA Member" means a Member State and any European third country which participates in EASA pursuant to Article 66 of the Basic EASA Regulation;

"EASA permit to fly" means a permit to fly issued for an EASA aircraft under and in accordance with subpart P of Part 21;

"EASA Regulation" means the Basic EASA Regulation and any implementing rule made under that Regulation;

"EASA restricted certificate of airworthiness" means a restricted certificate of airworthiness issued for an EASA aircraft under and in accordance with subpart H of Part 21;

"E Conditions" means the conditions set out in Chapter 3 of Part 1 of Schedule 3;

"E Conditions approved person" has the meaning given in paragraph 5(4) of Chapter 3 of Part 1 of Schedule 3;

"E Conditions competent person" has the meaning given in paragraph 5(1) of Chapter 3 of Part 1 of Schedule 3;

"E Conditions Declaration"' means a declaration specified at paragraph 4 of the E Conditions;

"EU-OPS" means Annex III to the Technical Harmonisation Regulation;

"EU-OPS aeroplane" means an aeroplane operated by an EU-OPS operator;

"EU-OPS air operator certificate" means an air operator's certificate granted under EU-OPS;

"EU-OPS operator" means an operator that is required to operate under and in accordance with EU-OPS;

"Flight" and "to fly" have the meanings respectively assigned to them by article 3;

"Flight check" means a check carried out by an aircraft in flight of the accuracy and reliability of signals transmitted by an aeronautical radio station;

"Flight crew" in relation to an aircraft means those members of the crew of the aircraft who respectively undertake to act as pilot, flight navigator, flight engineer and flight radiotelephony operator of the aircraft;

"Flight data monitoring programme" means a programme of analysing recorded flight data in order to improve the safety of flight operations;

"Flight for the purpose of commercial air transport" means a commercial air transport operation or an A to A commercial air transport aeroplane operation;

"Flight information service" means—

(a) in the case of an aerodrome—

(i) the giving of advice and information useful for the safe and efficient conduct of flights by means of radio signals to aircraft flying in or intending to fly within the aerodrome traffic zone of that aerodrome; and

(ii) the grant or refusal of a permission under provision 8015 of SERA or under rule 12(1)(b) or 13(2) of the Rules of the Air Regulations 2015; and

(b) in the case of an area control centre, the giving of advice and information useful for the safe and efficient conduct of flights by means of radio signals to aircraft,

and "aerodrome flight information service" is to be construed accordingly;

"Flight information service unit" means a person appointed by the CAA or by any other person maintaining an aerodrome or area control centre to provide a flight information service and "aerodrome flight information service unit" is to be construed accordingly;

"Flight level" means one of a series of levels of equal atmospheric pressure, separated by notified intervals and each expressed as the number of hundreds of feet which would be indicated at that level on a pressure altimeter calibrated in accordance with the International Standard Atmosphere and set to 1013.2 hectopascals;

"Flight manual" means a document provided for an aircraft stating the limitations within which the aircraft is considered airworthy as defined by the appropriate airworthiness

requirements, and additional instructions and information necessary for the safe operation of the aircraft;

"Flight simulator" means any type of apparatus by means of which flight conditions in an aircraft are simulated on the ground, including—

(a) simulators;

(b) flight training devices;

(c) flight and navigation procedures trainers; and

(d) basic instrument training devices;

"Flight visibility" means the visibility forward from the flight cockpit of an aircraft in flight;

"Flying display" means any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at an advertised event open to the public;

"Flying machine" means an aeroplane, a powered lift tilt rotor aircraft, a SLMG, a helicopter or a gyroplane;

"Free balloon" means a balloon which when in flight is not attached by any form of restraining device to the surface;

"Free controlled flight" means flight during which—

(a) a balloon is not attached to the surface by any form of restraining device (other than a tether of not more than five metres in length which may be used as part of the take-off procedure); and

(b) the height of the balloon is controllable by means of a device attached to the balloon and operated by the pilot in command of the balloon or by remote control;

"full flight simulator" means a flight simulator which is a full size replica of a specific type or make, model and series aircraft flight deck, including the assemblage of all equipment and computer programmes necessary to represent the aircraft in ground and flight operations, a visual system providing an out-of-the-flight deck view, and a force cueing motion system;

"General lighthouse authority" has the same meaning as in section 193 of the Merchant Shipping Act 1995(**a**);

"General medical practitioner" means a person registered in the General Practitioner Register kept by the General Medical Council;

"Glider" means—

(a) a non-power-driven, heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

(b) a self-sustaining glider; and

(c) a self-propelled hang-glider;

"Government aerodrome" means any aerodrome in the United Kingdom which is in the occupation of any Government Department or visiting force;

"Holding" means, in the case of an aircraft approaching an aerodrome to land, a manoeuvre in the air which keeps that aircraft within a specified volume of airspace;

"Hostile environment" means, for the purposes of sub-paragraphs 4(12)(b)(ix) and (xvii) of Part 1 of Schedule 6, an environment in which—

(a) a safe forced landing cannot be accomplished because the surface is inadequate; or

(b) the helicopter occupants cannot be adequately protected from the elements; or

(c) search and rescue response and capability is not provided consistent with anticipated exposure; or

(d) there is an unacceptable risk of endangering persons or property on the ground;

(**a**) 1995 c.21.

"Instructor's rating" means a flight instructor certificate, an flight instructor (restricted) certificate, a flight instructor rating (aeroplane), a flight instructor rating (helicopter), a type rating instructor rating (multipilot aeroplane), a type rating instructor rating (helicopter), a class rating instructor rating (single pilot aeroplane), an instrument rating instructor rating (aeroplane) or an instrument rating instructor rating (helicopter) or any instructor certificate issued in accordance with Part-FCL;

"Instrument approach procedure" means a series of predetermined manoeuvres by reference to flight instruments, with specified protection from obstacles, from a specified point to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or other obstacle clearance criteria apply;

"Instrument flight procedure" means—

(a) a standard instrument arrival;

(b) an instrument approach procedure;

(c) a standard instrument departure; or

(d) an omnidirectional departure;

"Instrument Flight Rules" means instrument flight rules prescribed by Section 5 of SERA;

"Instrument Landing System" means a ground-based radio system designed to transmit radio signals at very high frequency and ultra high frequency that allow the pilot of an aircraft to accurately determine the aircraft's position relative to a defined approach path whilst carrying out an approach to land;

"Instrument Meteorological Conditions" means weather precluding flight in compliance with the Visual Flight Rules;

"International headquarters" means an international headquarters designated by Order in Council under section 1 of the International Headquarters and Defence Organisations Act 1964(**a**);

"JAA" means the body that was known as the Joint Aviation Authorities, until its dissolution on 30th June 2009, which was previously an associated body of the European Civil Aviation Conference;

"JAA Full Member State" means a State which was a full member of the JAA on 30th June 2009;

"JAR-FCL 1" means, unless otherwise specified, the Joint Aviation Requirement of the JAA bearing that title including Amendment 5 adopted by the JAA on 1st March 2006;

"JAR-FCL 2" means the Joint Aviation Requirement of the JAA bearing that title including Amendment 3 adopted by the JAA on 1st September 2003;

"kg" means kilogramme;

"km" means kilometre;

"To land" in relation to aircraft includes alighting on the water;

"Large rocket" means a rocket of which the total impulse of the motor or combination of motors is more than 10,240 Newton-seconds;

"Legal personal representative" means the person constituted as the executor, administrator, or other representative, of a deceased person;

"Let-down" means, in the case of an aircraft approaching an aerodrome to land, a defined procedure designed to enable an aircraft to descend safely to a point at which it can continue the approach visually;

"Licence" includes in relation to a flight crew licence any certificate of competency or certificate of validity or revalidation issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted;

(**a**) 1964 c.5.

"Lifejacket" includes any device designed to support a person individually in or on the water;

"Log book" includes, in the case of an aircraft log book, engine log book, variable pitch propeller log book, or personal flying log book, a record kept either in a book, or by any other means approved by the CAA in the particular case;

"low visibility operations" means a Category II, IIIA or IIIB approach and landing or a take-off when the relevant runway visual range is less than 150 meters;

"Maintenance" means in relation to an aircraft any one or combination of overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or component, with the exception of pre-flight inspection;

"Manoeuvring area" means that part of an aerodrome used for the take-off, landing and taxiing of aircraft, excluding the apron;

"Maximum approved passenger seating configuration" means—

(a) in the case of an aircraft to which article 83 applies the maximum approved passenger seating configuration specified in the operations manual of the aircraft; and

(b) in any other case, the maximum number of passengers which may be carried in the aircraft under and in accordance with its certificate of airworthiness, its flight manual and this Order;

"Maximum operational passenger seating configuration" means the maximum passenger seating capacity of an individual aircraft, excluding crew seats, established for operational purposes and specified in the operations manual;

"Maximum take-off mass" means, in relation to an aircraft, the maximum total mass of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances, in accordance with the certificate of airworthiness in force for the aircraft;

"Medical attendant" means a person carried on a flight for the purpose of attending to any person in the aircraft in need of medical attention, or to be available to attend to such a person;

"Medium intensity steady red light" means a red light which complies with the characteristics described for a medium intensity Type C light as specified in Volume 1 (Aerodrome Design and Operations) of Annex 14 (Fourth Edition July 2004) to the Chicago Convention;

"Microlight aeroplane" means an aeroplane designed to carry not more than two persons which has—

(a) a maximum take-off mass not exceeding—

  (i) 300kg for a single seat landplane, (or 390kg for a single seat landplane of which at least 51% was built by an amateur, or non-profit making association of amateurs, for their own purposes and without any commercial objective, in respect of which a permit to fly issued by the CAA was in force prior to 1st January 2003);

  (ii) 450kg for a two-seat landplane; or

  (iii) 330kg for a single seat amphibian or floatplane; or

  (iv) 495kg for a two-seat amphibian or floatplane; or

  (v) 315kg for a single seat landplane equipped with an airframe mounted total recovery parachute system; or

  (vi) 472.5kg for a two-seat landplane equipped with an airframe mounted total recovery parachute system; and

(b) a stalling speed, or minimum steady flight speed in the landing configuration, at the maximum take-off mass not exceeding 35 knots calibrated airspeed;

"Microwave Landing System" means a ground-based radio system designed to transmit radio signals at super high frequency that allow the pilot of an aircraft to accurately determine the aircraft's position within a defined volume of airspace whilst carrying out an approach to land;

"Military aircraft" means—

(a) the naval, military or air force aircraft of any country;

(b) any aircraft being constructed for the naval, military or air force of any country under a contract entered into by the Secretary of State; and

(c) any aircraft for which there is in force a certificate issued by the Secretary of State that the aircraft is to be treated for the purposes of this Order as a military aircraft;

"Military rocket" means—

(a) any rocket being constructed for the naval, military or air force of any country under a contract entered into by the Secretary of State; and

(b) any rocket for which there is in force a certificate issued by the Secretary of State that the rocket is to be treated for the purposes of this Order as a military rocket;

"Minimum descent height" in relation to the operation of an aircraft at an aerodrome means the height in a non-precision approach below which descent may not be made without the required visual reference;

"MMEL" means the Master Minimum Equipment List in respect of an aircraft, as defined in the data established in accordance with Commission Regulation (EU) No 748/2012 of 3rd August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations(**a**), as amended from time to time;

"Multi-crew co-operation" means the functioning of the flight crew as a team of co-operating members led by the pilot in command;

"munition of war" means any—

(a) weapon or ammunition; or

(b) article containing an explosive, noxious liquid or gas,

which is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article;

"national aerodrome licence" means a licence granted under article 212;

"National air operator's certificate" means an air operator's certificate granted by the CAA under article 101(2);

"National airworthiness review certificate" means a certificate issued in accordance with article 52 or 53;

"National certificate of airworthiness" means either an expiring or a non-expiring certificate of airworthiness issued under article 38;

"national licensed aerodrome" means an aerodrome for which a national aerodrome licence is in force;

"National permit to fly" means a permit to fly issued under article 40;

"Nautical mile" means the International Nautical Mile, that is to say, a distance of 1852 metres;

"Night" means the time from half an hour after sunset until half an hour before sunrise (both times inclusive), sunset and sunrise being determined at surface level;

"non-commercial flight" means a flight which is not a commercial operation flight, a public transport flight or a flight for the purpose of commercial air transport;

"non-EASA aerodrome" means an aerodrome in relation to which the operator is not required to hold an EASA aerodrome certificate;

"non-EASA aircraft", except in Part 5, means an aircraft which is not required by the Basic EASA Regulation and any implementing rules adopted by the European Commission in accordance with that Regulation to hold an EASA certificate of airworthiness, an EASA restricted certificate of airworthiness or an EASA permit to fly; and "non-EASA balloon", "non-EASA glider" and "non-EASA kite" are to be construed accordingly;

(**a**) O.J. No. L 224, 21.08.2012, p.1.

"non-EASA experimental aircraft" means an aircraft which comes within paragraph (b) of Annex II of the Basic EASA Regulation;

"Non-expiring national certificate of airworthiness" means a national certificate of airworthiness that, subject to articles 39 and 253, remains valid for an unlimited duration provided the aircraft remains registered in the United Kingdom;

"Non-precision approach" means an instrument approach using non-visual aids for guidance in azimuth or elevation but which is not a precision approach;

"North Atlantic Minimum Navigation Performance Specification airspace" means the airspace prescribed as such;

"North Atlantic Shanwick Oceanic Control Area" means the airspace notified as such;

"Notified" means set out with the authority of the CAA in a document published by or under an arrangement entered into with the CAA and entitled "United Kingdom Notam" or "United Kingdom Aeronautical Information Publication" and for the time being in force;

"Notified aerodrome" means an aerodrome which is notified for the purposes of rule 11 of the Rules of the Air Regulations 2015;

"Notified operating hours" means the times notified for an aerodrome during which rule 11 of the Rules of the Air Regulations 2015 applies;

"NPPL General Skill test" means a demonstration of skill for issue of a National Private Pilot's Licence and any rating or certificate thereto, including such oral examination as the examiner may require;

"Obstacle limitation surfaces" has the same meaning as in CAA publication CAP 168 entitled "Licensing of aerodromes", as amended from time to time(**a**);

"Occurrence" means an operational interruption, defect, fault or other irregular circumstance that has or may have influenced flight safety and that has not resulted in an accident or serious incident as those terms are defined in regulation 2 of the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996(**b**);

"Omnidirectional departure" means a departure procedure that is designed on the basis that an aircraft maintains the runway direction until it reaches such a height that it can make a turn in any direction and maintain the obstacle clearance prescribed by the procedure;

"Occurrence Reporting Regulation" means Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3rd April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007(**c**), as amended from time to time;

"Offshore service" means an air traffic control service for any aircraft flying to or from offshore oil and gas installations and for other aircraft operating in the vicinity of these aircraft in airspace specified for this purpose in the manual of air traffic services;

"Operating staff" means the servants and agents employed by an operator of an aircraft, whether or not as members of the crew, to ensure that flights of the aircraft are conducted in a safe manner, and includes an operator who himself performs those functions;

"Operator" has the meaning assigned to it by article 4;

"Parascending parachute" means a parachute which is towed by cable in such a manner as to cause it to ascend;

"Part 21" means the Annex so entitled to the EASA Aircraft Certification Regulation, as amended;

(**a**) Issue 10, dated 7th March 2014, was published by The Stationery Office on behalf of the CAA, under ISBN 9780117928619. It is also available online for download at http://www.caa.co.uk/CAP168

(**b**) S.I. 1996/2798.

(**c**) O.J. No. L 122, 24.04.2014, p.18.

"Part 66" means Annex III so entitled to the EASA Continuing Airworthiness Regulation;

"Part 145" means Annex II so entitled to the EASA Continuing Airworthiness Regulation;

"Part 147" means Annex IV so entitled to the EASA Continuing Airworthiness Regulation;

"Part-ARO" means Annex II so entitled to the EASA Air Operations Regulation;

"Part-CAT" means Annex IV so entitled to the EASA Air Operations Regulation;

"Part-CAT aeroplane" means an aeroplane operated by a Part-CAT operator;

"Part-CAT aircraft" means an aircraft operated by a Part-CAT operator;

"Part-CAT air operator certificate" means an air operator certificate issued under Part-ARO authorising the holder to operate commercial air transport operations;

"Part-CAT helicopter" means a helicopter operated by a Part-CAT operator;

"Part-CAT operator" means an operator that is required to operate under and in accordance with Part-CAT;

"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;

"Part M" means Annex I so entitled to the EASA Continuing Airworthiness Regulation as amended;

"Part-MED" means Annex IV so entitled to the EASA Aircrew Regulation;

"Part-NCC" means Annex VI so entitled to the EASA Air Operations Regulation;

"Part-NCO" means Annex VII so entitled to the EASA Air Operations Regulation;

"Part-ORO" means Annex III so entitled to the EASA Air Operations Regulation;

"Part-SPA" means Annex V so entitled to the EASA Air Operations Regulation;

"parts and appliances" means any—

(a) instrument;

(b) equipment;

(c) mechanism;

(d) part;

(e) apparatus;

(f) appurtenance;

(g) software or accessory; or

(h) communications equipment,

that is used or intended to be used in operating or controlling an aircraft in flight, and includes parts of an airframe, engine or propeller, or equipment used to manoeuvre the aircraft from the ground;

"Passenger" means a person other than a member of the crew;

"Passenger A to B commercial air transport" means a flight for the purpose of carriage of passengers by commercial air transport by an aircraft starting and ending at different places;

"Performance Class 1 operations" means flights where, in the event of the failure of a power unit, the helicopter will be able to safely continue the flight and land at an appropriate landing area unless the power unit failure recognition occurs during take-off at or before reaching the take-off decision point in which case the helicopter will be able to safely land back within the area from which it has taken off;

"Performance Class 2 operations" means flights where, in the event of the failure of a power unit, the helicopter will be able to safely continue the flight to an appropriate landing area or,

where the failure occurs at a point during the take-off manoeuvre or the landing manoeuvre when it cannot do so, the helicopter will be able to carry out a forced landing;

"Performance Class 3 operations" means flights where, in the event of the failure of a power unit at any time during the flight, the helicopter will be required to carry out a forced landing;

"Performance class B aeroplane" means an aeroplane powered by propeller engines with a maximum operational passenger seating configuration of nine or fewer and a maximum take-off mass of 5,700 kg or less;

"Period of duty" means the period between the commencement and end of a shift during which an air traffic controller performs, or could be called on to perform, any of the functions specified in a rating included in the controller's licence;

"pilot in command", in relation to an aircraft, means the pilot designated by the operator as being in command and charged with the safe conduct of its flight, without being under the direction of any other pilot in the aircraft;

"Police air operator's certificate" means a certificate granted by the CAA under article 134(5);

"Police authority" means a Chief Officer of police for any area of England or Wales, the Chief Constable of Police Scotland and the Chief Constable of the Police Service of Northern Ireland;

"Police officer" means any person who is a member of a police force or of the Police Service of Northern Ireland (including, for the avoidance of doubt, the Police Service of Northern Ireland Reserve), and any special constable;

"Pre-flight inspection" means the inspection carried out before flight to ensure that the aircraft is fit for the intended flight;

"Precision approach" means an instrument approach using precision lateral and vertical guidance with minima as determined by the category of operation;

"Pressurised aircraft" means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;

"Private aircraft" means an aircraft which is not a commercial operation aircraft, a public transport aircraft or a commercial air transport aircraft;

"product" means an aircraft, engine or propeller;

"Proficiency check" means a demonstration of skill to revalidate or renew a rating, including such oral examination as the examiner may require;

"Public electronic communications network" has the same meaning as in section 151 of the Communications Act 2003(**a**);

"Public transport" has the meaning assigned to it by article 6, and the expression "public transport operation" should be construed accordingly;

"Public transport aircraft" means an aircraft flying, or intended by the operator of the aircraft to fly, for the purpose of public transport;

"Public transport flight" means a flight for the purpose of public transport;

"Public use licence" has the meaning assigned to it by article 214(3);

"rating" means a statement entered on a licence setting out privileges, special conditions or limitations pertaining thereto;

"Record" has the same meaning as in section 81(6) of the Transport Act 2000;

"Reduced Vertical Separation Minimum airspace" means any airspace between flight level 290 and flight level 410 inclusive which has been notified, prescribed or otherwise designated by the relevant competent authority as being airspace within which a vertical separation minimum of 1,000 feet or 300 metres must be applied;

(**a**) 2003 c.21.

"Relevant overseas territory" means any colony and any country or place outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction;

"Replacement" in relation to any part of an aircraft or its equipment—

(a) includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it; but

(b) does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded;

"Required Navigation Performance airspace" means airspace which has been notified, prescribed or otherwise designated by the competent authority for the airspace as requiring specified navigation performance capabilities to be met by aircraft flying within it;

"Rocket" means a device which is propelled by ejecting expanding gases generated in its motor from self contained propellant and which is not dependent on the intake of outside substances and includes any part of the device intended to become separated during operation;

"Runway visual range" in relation to a runway means the distance in the direction of take-off or landing over which the runway lights or surface markings may be seen from the touchdown zone as calculated by either human observation or instruments in—

(a) the vicinity of the touchdown zone; or

(b) if this is not reasonably practicable, in the vicinity of the midpoint of the runway,

and the distance, if any, communicated to the pilot in command of an aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range must be taken to be the runway visual range for the time being;

"Safety management system" means a systematic approach to managing safety including the necessary organisational structure, accountabilities, policies and procedures;

"Scheduled journey" means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service;

"Seaplane" has the same meaning as in section 97 of the Civil Aviation Act 1982;

"Sector" means a part of a control area or part of a flight information region or upper region;

"Self-launching motor glider" means an aircraft with the characteristics of a non-power-driven glider, which is fitted with one or more power units and which is designed or intended to take off under its own power;

"Self-propelled hang-glider" means an aircraft comprising an aerofoil wing and a mechanical propulsion device which—

(a) is foot launched;

(b) has a stall speed or minimum steady flight speed in the landing configuration not exceeding 35 knots calibrated airspeed; and

(c) has a maximum take-off mass, including full fuel, of 70 kg;

"Self-sustaining glider" means an aircraft with the characteristics of a non-power-driven glider which is fitted with one or more power units capable of sustaining the aircraft in flight but which is not designed or intended to take off under its own power;

"SERA" means the Annex to the Standardised European Rules of the Air Regulation;

"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(**a**), as amended from time to time;

"SLMG" means a self-launching motor glider;

"Small balloon" means a balloon of not more than two metres in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon;

(**a**) O.J. No. L 96, 31.03.2004, p.10.

"Small rocket" means a rocket of which the total impulse of the motor or combination of motors is not more than 10,240 Newton-seconds;

"Small unmanned aircraft" means any unmanned aircraft, other than a balloon or a kite, having a mass of not more than 20kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight;

"solo flight" means a flight during which a student pilot is the sole occupant of an aircraft;

"Special tasks service" means an air traffic control service—

(a) for any aircraft flying for the purposes of research and development of aircraft, aircraft equipment or aircraft systems which is not flying in accordance with normal aviation practice; and

(b) for other aircraft in the vicinity of any such aircraft;

"Special VFR flight" means a flight conducted in accordance with the Visual Flight Rules cleared by an air traffic control unit to operate within a control zone in meteorological conditions below Visual Meteorological Conditions;

"sporting weapon" means any—

(a) weapon or ammunition; or

(b) article containing an explosive, noxious liquid or gas,

which is not a munition of war, including parts, whether components or accessories, for such weapon, ammunition or article;

"SSEA" means a simple single engine aeroplane, being a single engine piston aeroplane with a maximum take-off weight authorised of not more than 2,000kg and which is not a microlight aeroplane or a SLMG;;

"Standard instrument arrival" means an arrival route for use by an aircraft flying in accordance with the Instrument Flight Rules which links a notified significant point with a point from which an instrument approach procedure may be commenced;

"Standard instrument departure" means a departure route for use by an aircraft flying in accordance with the Instrument Flight Rules which links an aerodrome or a specific runway of an aerodrome with a notified significant point from which the flight may safely continue and which is wholly contained within controlled airspace;

"Standardised European Rules of the Air Regulation" means Regulation (EU) No 923/2012 of the European Parliament and of the Council of 26th September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010(**a**), as amended from time to time;

"State aircraft" means an aircraft carrying out military, customs, police, search and rescue, fire-fighting, coastguard or similar activities or services;

"State of design" means the State having jurisdiction over the organisation responsible for the type design of an aircraft;

"State of the operator" means the State in which the operator of an aircraft has its principal place of business or, if it has no such place of business, its permanent residence, in circumstances where—

(a) that aircraft is registered in another Contracting State;

(b) the operator is operating that aircraft under an agreement for its lease, charter or inter-change or any similar arrangement;

(c) the State in which that aircraft is registered has, by agreement with the State in which the operator of the aircraft has its principal place of business or, if it has no such place of business, its permanent residence, agreed to transfer to it its functions and duties as State

(**a**) O.J. No. L 281, 13.10.2012, p.1.

of registry for that aircraft in relation to, in the case of article 33(1), airworthiness, in the case of article 77(1), aircraft radio equipment, in the case of article 148, flight crew licensing or, in the case of article 79, radio licensing; and

(d) the agreement has been registered with the Council of the International Civil Aviation Organisation or the existence and scope of the agreement have been directly communicated to the CAA;

"Take-off decision point" means the latest point in the take-off at which, following recognition of a power unit failure, the helicopter will be able to carry out a rejected take-off;

"Technical Harmonisation Regulation" means Council Regulation (EEC) No 3922/91 of 16th December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation, as amended;

"Technical log" means a record containing the information specified in paragraph M.A.306 of Part M;

"Tethered" means flight by a controllable balloon throughout which it is flown within limits imposed by a restraining device which attaches the balloon to the surface;

"TMG" means a touring motor glider, being an aircraft with the characteristics of a non-power-driven glider which—

(a) has one or more integrally mounted, non-retractable power units;

(b) has one or more non-retractable propellers; and

(c) is designed or intended to take off under its own power;

"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;

"Uncontrollable balloon" means a balloon which is not a small balloon and which is not capable of free controlled flight;

"United Kingdom licence" means a licence included in Chapter 1 of Part 1 of Schedule 8;

"Valuable consideration" means any right, interest, profit or benefit, forbearance, detriment, loss or responsibility accruing, given, suffered or undertaken under an agreement, which is of more than a nominal nature;

"Visiting force" means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of the Visiting Forces Act 1952(**a**)—

(a) which apply to that country by virtue of paragraph (a) of section 1(1) of that Act; or

(b) which from time to time apply to that country by virtue of paragraph (b) of section 1(1) and of any Order in Council made or hereafter to be made under section 1 designating that country for the purposes of that Act following section 1(2) of that Act;

"Visual Flight Rules" means visual flight rules prescribed by Section 5 of SERA;

"Visual Meteorological Conditions" means weather permitting flight in accordance with the Visual Flight Rules;

"With the surface in sight" means with the flight crew being able to see sufficient surface features or surface illumination to enable the flight crew to maintain the aircraft in a desired attitude without reference to any flight instrument and "when the surface is not in sight" is to be construed accordingly.

2. References in this Order to—

(a) a certificate of airworthiness include both a national certificate of airworthiness and an EASA certificate of airworthiness unless otherwise stated;

(**a**) 1952 c.67.

(b) an aircraft, aeroplane, powered lift tilt rotor aircraft, SLMG, helicopter, gyroplane, airship, balloon or kite include both EASA and non-EASA examples of the same unless otherwise stated.

3. The expressions appearing in the "Classification of Aircraft" in Part 1 of Schedule 4 have the meanings assigned to them in that Part.

SCHEDULE 2

Article 18(1)

PARTS OF STRAITS SPECIFIED IN CONNECTION WITH THE FLIGHT OF AIRCRAFT IN TRANSIT OVER UNITED KINGDOM TERRITORIAL WATERS

1. The parts of straits specified in paragraph 2 are specified for the purposes of article 18(1).

2.—(1) In the Straits of Dover, the territorial waters adjacent to the United Kingdom which are—

(a) to the south of a rhumb line joining position 51°08'23" north latitude: 1°23'00" east longitude and position 51°22'41" north latitude: 1°50'06" east longitude; and

(b) to the east of a rhumb line joining position 50°54'33" north latitude: 0°58'05" east longitude and position 50°43'15" north latitude: 0°51'39" east longitude.

(2) In the North Channel, the territorial waters adjacent to the United Kingdom which are—

(a) to the north of a rhumb line joining position 54°13'30" north latitude: 5°39'28" west longitude and position 54°09'02" north latitude: 5°18'07" west longitude;

(b) to the west of a rhumb line joining position 54°26'02" north latitude: 4°51'37" west longitude and position 54°38'01" north latitude: 4°51'16" west longitude; and

(c) to the east of a rhumb line joining—

(i) position 55°40'24" north latitude: 6°30'59" west longitude and position 55°29'24" north latitude: 6°40'31" west longitude;

(ii) position 55°24'54" north latitude: 6°44'33" west longitude and position 55°10'15" north latitude: 6°44'33" west longitude.

(3) In the Fair Isle Channel, the territorial waters adjacent to the United Kingdom which are—

(a) to the north of a rhumb line joining position 59°10'54" north latitude: 2°01'32" west longitude and position 59°33'27" north latitude: 2°38'35" west longitude; and

(b) to the south of a rhumb line joining position 59°51'06" north latitude: 0°52'10" west longitude and position 59°51'06" north latitude: 1°46'36" west longitude.

SCHEDULE 3

Articles 31(2) and 38(5)

A, B AND E CONDITIONS AND CATEGORIES OF CERTIFICATE OF AIRWORTHINESS

PART 1

A, B and E Conditions

CHAPTER 1

A Conditions

1. A non-EASA aircraft registered in the United Kingdom may fly for a purpose set out in paragraph 2 or 3 subject to the conditions contained in paragraphs 4 to 7 when—

(a) it does not have a certificate of airworthiness duly issued or rendered valid under the law of the United Kingdom;

(b) the certificate of airworthiness issued under article 38 for the aircraft has ceased to be in force by virtue of any of the matters specified in article 39;

(c) it has previously had a permit to fly but that permit has ceased to be in force by virtue of any of the matters specified in article 41; or

(d) is of a design which has previously been approved by the CAA, or by an organisation approved for that purpose by the CAA, as being compliant with a standard accepted by the CAA as appropriate for the issue of a national permit to fly.

2. The purposes in the case of an aircraft falling within sub-paragraph 1(a) are that the aircraft may fly only so as to enable it to—

(a) qualify for the issue or renewal of a certificate of airworthiness or a national permit to fly after an application has been made for such issue or renewal, or carry out a functional check of a previously approved modification of the aircraft;

(b) proceed to or from a place at which any inspection, repair, modification, maintenance, approval, test or weighing of, or the installation of equipment in, the aircraft is to take place or has taken place for a purpose referred to in sub-paragraph (a), after any relevant application has been made, or at which the installation of furnishings in, or the painting of, the aircraft is to be undertaken; or

(c) proceed to or from a place at which the aircraft is to be or has been stored.

3. The purposes in the case of an aircraft falling within sub-paragraph 1(b), (c) or (d) are that the aircraft may fly only so as to enable it to—

(a) proceed to a place at which any maintenance or inspection required by article 39(1)(b) or article 41(1)(b) is to take place; or

(b) proceed to a place at which any maintenance, inspection or modification required by article 39(1)(c), (d) or (e) or article 41(1)(a) is to take place and for which flight the CAA has given permission in writing; or

(c) carry out a functional check, test or in-flight adjustment in connection with the carrying out in a manner approved by the CAA of any overhaul, repair, previously approved modification, inspection or maintenance required by article 39 or article 41.

4. The aircraft, including any modifications, must be of a design which previously has been approved by the CAA, or by an organisation approved for that purpose by the CAA, as being compliant with a standard accepted by the CAA as appropriate for the issue of a national certificate of airworthiness.

5. The aircraft and its engines must be certified as fit for flight by—

(a) in the case of an aircraft referred to in paragraph 1(c) or (d), a person authorised by an organisation approved for the purpose by the CAA, and in accordance with that approval; and

(b) in all other cases—

(i) the holder of an aircraft maintenance engineer's licence granted under this Order, being a licence which entitles the holder to issue that certificate; or

(ii) a person approved by the CAA for the purpose of issuing certificates under this condition, and in accordance with that approval.

6. The aircraft must carry the minimum flight crew specified—

(a) in the case of an aircraft referred to in paragraph 1(c) or (d), in any relevant document; and

(b) in all other cases, in any certificate of airworthiness or flight manual which has previously been in force under this Order for the aircraft, or is or has previously been in force for any other aircraft of identical design.

7. The aircraft must not carry any persons or cargo except persons performing duties in the aircraft in connection with the flight or persons who are carried in the aircraft to perform duties in connection with a purpose specified in paragraph 2 or 3.

8. For the purpose of this Schedule, "a previously approved modification" means a modification which has previously been approved by the CAA or by an organisation approved for that purpose by the CAA for that aircraft or another aircraft of the same type.

CHAPTER 2

B Conditions

1. A non-EASA aircraft may fly for a purpose set out in paragraph 2 subject to the conditions set out in paragraphs 3 to 6 whether or not it is registered in accordance with article 24(1) when there is not in force—

(a) in the case of an aircraft which is so registered, a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered; or

(b) in the case of an aircraft which is not so registered, either a certificate of airworthiness duly issued or rendered valid under the law of the United Kingdom or a permit to fly issued by the CAA for that aircraft.

2. The purposes referred to in paragraph 1 are—

(a) experimenting with or testing the aircraft (including any engines installed on the aircraft) or any equipment installed or carried in the aircraft;

(b) enabling the aircraft to qualify for the issue or validation of a certificate of airworthiness or the approval of a modification of the aircraft or the issue of a permit to fly;

(c) demonstrating and displaying the aircraft, any engines installed on the aircraft or any equipment installed or carried in the aircraft with a view to its sale or of other similar aircraft, engines or equipment;

(d) demonstrating and displaying the aircraft to employees of the operator;

(e) the giving of flying training to or the testing of flight crew employed by the operator or the training or testing of other persons employed by the operator and who are carried or are intended to be carried under sub-paragraph 6(a);

(f) proceeding to or from a place at which any experiment, inspection, repair, modification, maintenance, approval, test or weighing of the aircraft, the installation of equipment in the aircraft, demonstration, display or training is to take place for a purpose referred to in sub-paragraph (a), (b), (c), (d) or (e); or

(g) proceeding to or from a place at which the installation of furnishings in, or the painting of the aircraft is to be undertaken.

3. The flight must be operated by a person approved by the CAA for the purposes of these conditions and subject to any additional conditions which may be specified in such an approval.

4. If not registered in the United Kingdom—

(a) the aircraft must be marked in a manner approved by the CAA for the purposes of these conditions; and

(b) articles 67, 79, 226, 229 and 235 must be complied with in relation to the aircraft as if it were registered in the United Kingdom.

5. No person may act as pilot in command of the aircraft except a person approved for the purpose by the CAA.

6. The aircraft must not carry any cargo, or any persons other than the flight crew except the following—

(a) persons employed by the operator who during the flight carry out duties or are tested or receive training in connection with a purpose specified in paragraph 2;

(b) persons acting on behalf of the manufacturers of component parts of the aircraft (including its engines) or of equipment installed in or carried in the aircraft for carrying out during the flight duties in connection with a purpose so specified;

(c) persons approved by the CAA under article 268 as qualified to supply reports for the purposes of article 38;

(d) persons other than those carried under the preceding provisions of this paragraph who are carried in the aircraft in order to carry out a technical evaluation of the aircraft or its operation;

(e) cargo which comprises equipment carried in connection with a purpose specified in sub-paragraph 2(f); or

(f) persons employed by the operator or persons acting on behalf of the manufacturers of component parts of the aircraft (including its engines) or of equipment installed in or carried in the aircraft in connection with a purpose specified in sub-paragraph 2(f) which persons have duties in connection with that purpose.

CHAPTER 3

E Conditions

1. Subject to the conditions set out in paragraph 3, a non-EASA aircraft registered in the United Kingdom of not more than 2,000kg maximum take-off mass and which is designed to be flown by a crew of at least one pilot may fly for a purpose set out in paragraph 2 when there is in force neither—

(a) a certificate of airworthiness duly issued or rendered valid under the law of the United Kingdom; nor

(b) a permit to fly.

2. The purposes referred to in paragraph 1 are—

(a) experimenting with or testing the aircraft (including any engines installed on the aircraft) or any equipment installed or carried in the aircraft;

(b) demonstrating the aircraft, any engines installed on the aircraft or any equipment installed or carried in the aircraft in support of their development or of other similar aircraft, engines or equipment.

3.—(1) The aircraft may only fly if any certificate of airworthiness or permit to fly held in respect of the aircraft is suspended.

(2) The aircraft may only fly in accordance with a test programme, not exceeding a period of 12 months, in respect of which an E Conditions Declaration has been made by an E Conditions competent person and submitted to the CAA.

(3) The aircraft must not fly in accordance with the test programme until the E Conditions competent person has received a written acknowledgement from the CAA of its receipt of the E Conditions Declaration.

(4) Flight of the aircraft may be subject to any additional conditions which may be specified by the E Conditions competent person.

(5) The aircraft must not fly if the E Conditions competent person is not satisfied that all risks in respect of the flight test programme continue to have been mitigated to an acceptable level and that the level of risk to uninvolved third parties is low enough to be acceptable.

(6) No person may act as pilot in command of the aircraft except a person who has been judged by the E Conditions competent person to be appropriately qualified and trained for the purpose.

(7) The aircraft must not carry any cargo, or any persons other than the pilot except any additional person determined by the E Conditions competent person to be necessary to achieve the purpose of the flight as specified in paragraph 2;

(8) The words “UK EXPERIMENTAL” must be displayed on the aircraft near each entrance to the cabin or cockpit in letters not less than 5 centimetres nor more than 15 centimetres in height.

(9) A placard must be affixed to the aircraft and displayed within sight of all occupants of the aircraft which must be worded as follows—

Occupant Warning This UK registered Experimental Aircraft has not been approved and may only be flown by permission granted under ANO E Conditions.

4. An E Conditions Declaration must—

(a) be signed by an E Conditions competent person;

(b) specify the aircraft in respect of which it is issued;

(c) specify the flight test programme in respect of which it is issued, including the start and finish dates of the programme;

(d) set out the specified purposes for which the aircraft may fly;

(e) confirm that the flight test programme will be conducted in accordance with the Conditions of Flight at paragraph 3;

(f) declare that the E Conditions competent person has obtained the consent of the registered owner of the aircraft—

(i) to request the suspension of any certificate of airworthiness or permit to fly granted in respect of the aircraft; and

(ii) for the aircraft to undertake the flight test programme;

(g) request the suspension of any certificate of airworthiness or permit to fly held in respect of the aircraft;

(h) declare that if the ownership of the aircraft changes during the flight test programme, the E Conditions competent person will not permit a flight to take place until the consent of the new aircraft owner for the aircraft to continue the flight test programme has been obtained;

(i) declare that, before the flight test programme commences, the E Conditions competent person will undertake a risk assessment and must be satisfied that—

(i) all risks in respect of the flight test programme have been mitigated to an acceptable level; and

(ii) in particular, the level of risk to uninvolved third parties is low enough to be acceptable;

(j) declare that, throughout the flight test programme, the E Conditions competent person will make such changes to the risk assessment and dossier of information as appear appropriate in light of the information gathered in connection with that programme;

(k) declare that the E Conditions competent person will—

(i) keep under review the risks in respect of the flight test programme; and

(ii) not permit a flight to take place in the event that the E Conditions competent person ceases to be satisfied that—

(aa) all risks in respect of the flight test programme have been mitigated to an acceptable level; and

(bb) in particular, the level of risk to uninvolved third parties is low enough to be acceptable.

5.—(1) An E Conditions competent person means a person who satisfies the requirements of sub-paragraph (2) or (3).

(2) A person who has been authorised as a competent person by an E Conditions approved person, and whose authorisation has not been withdrawn, satisfies the requirements of this sub-paragraph.

(3) A person who—

(a) is a Member or Fellow of the Royal Aeronautical Society ("the RAeS") and a Chartered Engineer registered with the Engineering Council via the RAeS; and

(b) has notified the RAeS of that person's intention to act as an E Conditions competent person and has not withdrawn that notification;

satisfies the requirements of this sub-paragraph.

(4) The CAA may approve a person to authorise a competent person for the purposes of E Conditions and in this Order "E Conditions approved person" means a person so approved.

6.—(1) An E Conditions competent person is entitled to make an E Conditions Declaration.

(2) The E Conditions competent person must—

(a) before the flight test programme commences—

(i) undertake a risk assessment;

(ii) be satisfied that all risks in respect of the flight test programme have been mitigated to an acceptable level;

(iii) in particular be satisfied that the level of risk to uninvolved third parties is acceptable;

(iv) keep a dossier of information about the aircraft and the flight test programme, including a record of the risk assessment, and retain the dossier for three years after final flight under the flight test programme; and

(b) throughout the flight test programme—

(i) make such changes to the risk assessment and dossier of information as appear appropriate in light of the information gathered in connection with that programme;

(ii) not permit a flight to take place unless that person remains satisfied that all risks in respect of the flight test programme have been mitigated to an acceptable level and that the level of risk to uninvolved third parties is low enough to be acceptable.

(3) An E Conditions competent person must produce the dossier of information to an authorised person within a reasonable time after being requested to do so.

7. The flight test programme is deemed to be completed if the person who has submitted an E Conditions Declaration—

(a) ceases to be an E Conditions competent person;

(b) notifies the CAA that the flight test programme has been finished or terminated;

(c) is no longer discharging the obligations set out in the E Conditions Declaration; or

(d) the declared finish date of the flight test programme has been reached.

8. The CAA must issue a written acknowledgement of receipt in respect of an E Conditions Declaration submitted to it unless, in its reasonable opinion, the E Conditions Declaration is repetitive.

PART 2

Categories of Certificate of Airworthiness and Purposes for which Aircraft May Fly

Category of certificate of airworthiness	*Purposes for which the aircraft may fly*
Standard	Any purpose
Special Category	Any purpose, other than commercial air transport, specified in the certificate of airworthiness

SCHEDULE 4 Arts. 27(1)(b) & 32(2) & para. 3 of Schedule 1

CLASSIFICATION AND MARKING OF AIRCRAFT

PART 1

Classification of aircraft

1.—(1) Aircraft are to be classified in accordance with the table.

Table

Column 1	*Column 2*	*Column 3*
(1) Lighter than air aircraft	(a) Non-power driven	(i) Free Balloon
		(ii) Captive Balloon
	(b) Power driven	(i) Airship
(2) Heavier than air aircraft	(a) Non-power driven	(i) Glider
		(ii) Kite
	(b) Power driven flying machines	(i) Aeroplane (Landplane)
		(ii) Aeroplane (Seaplane)
		(iii) Aeroplane (Amphibian)
		(iv) Aeroplane (Self-launching Motor Glider)
		(v) Powered Lift (Tilt Rotor)
		(vi) Rotorcraft— (aa) Helicopter; (bb) Gyroplane.

(2) An aircraft which is intended to be operated with no pilot on board is to be further classified as unmanned.

(3) Unmanned aircraft include unmanned free balloons and remotely piloted aircraft.

PART 2

Marking of aircraft

General

1.—(1) The nationality mark of the aircraft is the capital letter "G" in Roman character.

(2) The registration mark is a group of four capital letters in Roman character assigned by the CAA on the registration of the aircraft.

(3) The letters must be without ornamentation.

(4) A hyphen must be placed between the nationality mark and the registration mark.

(5) The nationality and registration marks must be displayed to the best advantage, taking into consideration the constructional features of the aircraft and must always be kept clean and visible.

(6) The letters constituting each group of marks must—

(a) be of equal height; and

(b) together with the hyphen, all be of the same single colour which must clearly contrast with the background on which they appear.

(7) The nationality and registration marks must also be inscribed on a fire-proof metal plate affixed in a prominent position—

(a) in the case of a microlight aeroplane, either on the fuselage or car or on the wing;

(b) in the case of a balloon, on the basket or envelope;

(c) in the case of a remotely piloted aircraft, secured in a prominent position near the main entrance or compartment, or affixed conspicuously to the exterior of the aircraft if there is no main entrance or compartment; or

(d) in the case of any other aircraft on the fuselage or car.

(8) The nationality and registration marks must be painted on the aircraft, or affixed to the aircraft by any other means ensuring a similar degree of permanence, in the manner specified in paragraphs 2, 3 and 4 of this Part.

Position and size of marks – heavier than air aircraft

2.—(1) The position and size of marks on heavier than air aircraft (excluding kites) must be as specified in this paragraph.

(2) On such aircraft having a fixed wing surface—

(a) the marks must appear on the lower horizontal surface of the wing structure and on the port wing unless they extend across the whole surface of both wings;

(b) so far as is possible the marks must be located equidistant from the leading and trailing edges of the wings;

(c) the tops of the letters must be towards the leading edge of the wing;

(d) the height of the letters must be—

(i) subject to sub-paragraph (ii), at least 50 centimetres;

(ii) if the wings are not large enough for the marks to be 50 centimetres in height, marks of the greatest height practicable in the circumstances.

(3) On the fuselage (or equivalent structure) and vertical tail surfaces of such aircraft—

(a) the marks must also appear either—

(i) on each side of the fuselage (or equivalent structure), and must, in the case of fixed wing aircraft be located between the wings and the horizontal tail surface; or

(ii) on the vertical tail surfaces;

(b) when located on a single vertical tail surface, the marks must appear on both sides;

(c) when located on multi-vertical tail surfaces, the marks must appear on the outboard sides of the outer-surfaces;

(d) subject to sub-paragraphs (f) and (g), the height of the letters constituting each group of marks must be at least 30 centimetres;

(e) if one of the surfaces authorised for displaying the required marks is large enough for those marks to be 30 centimetres in height (whilst complying with sub-paragraph (g)) and the other is not, marks of 30 centimetres in height must be placed on the largest authorised surface;

(f) if neither authorised surface is large enough for marks of 30 centimetres in height (whilst complying with sub-paragraph (g)), marks of the greatest height practicable in the circumstances must be displayed on the larger of the two authorised surfaces;

(g) marks on the vertical tail surfaces must be such as to leave a margin of at least five centimetres along each side of the vertical tail surface.

(4) On rotary wing aircraft where owing to the structure of the aircraft the greatest height practicable for the marks on the side of the fuselage (or equivalent structure) is less than 30 centimetres—

(a) the marks must also appear on the lower surface of the fuselage as close to the line of symmetry as practicable;

(b) they must be placed with the tops of the letters towards the nose;

(c) the height of the letters constituting each group of marks must be—

(i) subject to sub-paragraph (ii), at least 50 centimetres; or

(ii) if the lower surface of the fuselage is not large enough for the marks to be of 50 centimetres in height, marks of the greatest height practicable in the circumstances.

(5) Wherever in this paragraph marks of the greatest height practicable in the circumstances are required, that height must be such as is consistent with compliance with paragraph 4 of this Part.

Position and size of marks – airships and free balloons

3.—(1) The position and size of marks on airships and free balloons must be as specified in this paragraph.

(2) In the case of airships the marks must be—

(a) placed on each side of the airship; and

(b) placed horizontally either on the hull near the maximum cross-section of the airship or on the lower vertical stabiliser.

(3) In the case of free balloons, the marks must be in two places on diametrically opposite sides of the balloon.

(4) In the case of both airships and free balloons—

(a) the side marks must be so placed as to be visible from the sides and from the ground; and

(b) the height of the letters must be at least 50 centimetres.

Width, spacing and thickness of marks

4.—(1) For the purposes of this paragraph—

(a) "standard letter" means any letter other than the letters I, M and W;

(b) the width of each standard letter and the length of the hyphen between the nationality mark and the registration mark must be two thirds of the height of a letter;

(c) the width of the letters M and W must be neither less than two thirds of their height nor more than their height; and

(d) the width of the letter I must be one sixth of the height of the letter.

(2) The thickness of the lines comprising each letter and hyphen must be one sixth of the height of the letters forming the marks.

(3) Each letter and hyphen must be separated from the letter or hyphen which it immediately precedes or follows by a space equal to—

(a) either one quarter or one half of the width of a standard letter; and

(b) every other such space within the marks.

SCHEDULE 5

Articles 44(5) and 77(3)

EQUIPMENT FOR NON-EASA AIRCRAFT ON NON-COMMERCIAL AND COMMERCIAL OPERATIONS AND MARKING OF BREAK-IN AREAS

Instruments and equipment — general

1.—(1) Instruments and equipment required by this Schedule must be approved in accordance with the applicable airworthiness requirements if they are—

(a) used by the flight crew to control the flight path;

(b) used to comply with paragraph 15 or 16; or

(c) installed in the aeroplane.

(2) When required by this Schedule, an equipment approval is not needed for—

(a) independent portable lights;

(b) an accurate time piece;

(c) survival and signalling equipment;

(d) sea anchor and equipment for mooring; and

(e) a child restraint device.

(3) As regards instruments and equipment not required by this Schedule, including any equipment that is not otherwise required by this Order but carried on a flight, the failure or malfunction of such instruments and equipment shall not affect the airworthiness of the aircraft.

(4) Instruments and equipment must be readily operable or accessible from the station where the flight crew member that needs to use it is seated.

(5) All required emergency equipment must be easily accessible for immediate use.

Operating lights

2. Flying machines operated at night must be equipped with—

(a) an anti-collision light system;

(b) navigation/position lights;

(c) a landing light;

(d) lighting supplied from the aeroplane's electrical system to provide adequate illumination for all instruments and equipment essential to the safe operation of the flying machine; and

(e) an independent portable light for each crew member.

Seats, seat safety belts, restraint systems and child restraint devices

3.—(1) Unless sub-paragraph (2) applies, flying machines must be equipped with—

(a) a seat or berth for each person on board who is aged 24 months or more;

(b) a seat belt on each passenger seat and restraining belts for each berth;

(c) a child restraint device for each person on board younger than 24 months; and

(d) a seat belt with upper torso restraint system on each flight crew seat, having a single point release.

(2) The CAA may permit a flying machine not to be equipped with one or more of the items of equipment in sub-paragraph (1).

Supplemental oxygen — pressurised flying machines

4.—(1) Pressurised flying machines operated at flight altitudes for which an oxygen supply is required in accordance with sub-paragraph (2) must be equipped with oxygen storage and dispensing apparatus capable of storing and dispensing the required oxygen supplies.

(2) Pressurised flying machines operated above flight altitudes at which the pressure altitude in the passenger compartments is above 10,000 feet must carry enough breathing oxygen to supply—

(a) all crew members and—

(i) 100% of the passengers for any period when the cabin pressure altitude exceeds 15,000 feet, but in no case less than 10 minutes' supply;

(ii) at least 30% of the passengers, for any period when, in the event of loss of pressurisation and taking into account the circumstances of the flight, the pressure altitude in the passenger compartment will be between 14,000 feet and 15,000 feet; and

(iii) at least 10% of the passengers for any period in excess of 30 minutes when the pressure altitude in the passenger compartment will be between 10,000 feet and 14,000 feet; and

(b) all the occupants of the passenger compartment for no less than 10 minutes, in the case of aeroplanes operated at pressure altitudes above 25,000 feet, or operated below that altitude but under conditions that will not allow them to descend safely to a pressure altitude of 13,000 feet within 4 minutes.

(3) Pressurised flying machines operated at flight altitudes above 25,000 feet must, in addition, be equipped with a device to provide a warning indication to the flight crew of any loss of pressurisation.

Supplemental oxygen — non-pressurised flying machines

5.—(1) Non-pressurised flying machines operated at flight altitudes for which an oxygen supply is required in accordance with sub-paragraph (2) must be equipped with oxygen storage and dispensing apparatus capable of storing and dispensing the required oxygen supplies.

(2) Non-pressurised flying machines operated above flight altitudes at which the pressure altitude in the passenger compartments is above 10,000 feet must carry enough breathing oxygen to supply—

(a) all crew members and at least 10% of the passengers for any period in excess of 30 minutes when the pressure altitude in the passenger compartment will be between 10,000 feet and 13,000 feet; and

(b) all crew members and passengers for any period that the pressure altitude in the passenger compartment will be above 13,000 feet.

Hand fire extinguishers

6.—(1) Subject to sub-paragraph (2), flying machines must be equipped with at least one hand fire extinguisher—

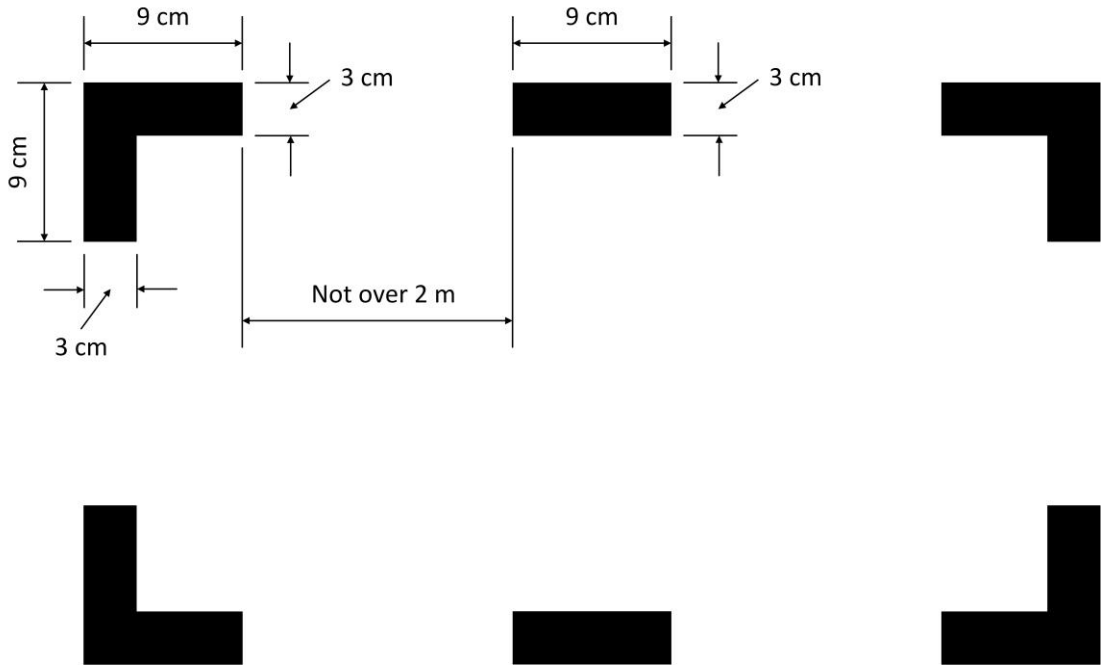
(a) in the flight crew compartment; and

(b) in each passenger compartment that is separate from the flight crew compartment, except if the compartment is readily accessible to the flight crew.

(2) Sub-paragraph (1) does not apply to a flying machine with a maximum take-off mass of 1,200kg or less.

Marking of break-in areas

7.—(1) If areas of the aircraft's fuselage suitable for break-in by rescue crews in an emergency are marked, such areas must be marked in accordance with the following diagram.



(2) The colour of the markings must be red or yellow and, if necessary, must be outlined in white to contrast with the background.

(3) If the corner markings are more than 2 metres apart, intermediate lines measuring 9 centimetres by 3 centimetres must be inserted so that there is no more than 2 metres between adjacent markings.

Flight over water

8.—(1) Where—

(a) a flying machine flies beyond autorotational or gliding distance from land suitable for an emergency landing;

(b) a flying machine takes off or lands at an aerodrome or operating site where, in the opinion of the pilot in command, the take-off or approach path is so disposed over water that there would be a likelihood of a ditching in the event of an emergency; or

(c) a seaplane operates over water,

it must be equipped with a life-jacket for each person on board, or equivalent individual floatation device for each person on board younger than 24 months, which must be worn or stowed in a position that is readily accessible from the seat or berth of the person for whose use it is provided.

(2) Seaplanes operated over water must be equipped with—

(a) one anchor;

(b) one sea anchor (drogue), when necessary to assist in manoeuvring; and

(c) where applicable, equipment for making the sound signals prescribed in COLREGS.

(3) In sub-paragraph (2), "COLREGS" means the International Regulations for Preventing Collisions at Sea 1972 (as amended from time to time) having effect under article 1 of the Convention on the International Regulations for Preventing Collisions at Sea 1972(**a**).

(**a**) Treaty Series No. 77 (1977); Cmnd 6962.

Operations under Visual Flight Rules — flight and navigational instruments and associated equipment – aeroplanes

9.—(1) Aeroplanes operated under Visual Flight Rules by day must be equipped with a means of measuring and displaying the—

(a) magnetic heading;

(b) time, in hours, minutes and seconds;

(c) pressure altitude;

(d) indicated airspeed; and

(e) Mach number, whenever speed limitations are expressed in terms of Mach number.

(2) Aeroplanes operated under visual meteorological conditions at night must, in addition to the requirements of sub-paragraph (1), be equipped with—

(a) a means of measuring and displaying—

(i) turn and slip; or

(ii) attitude and stabilised heading; and

(b) where gyroscopic instruments are installed, a means of indicating when the supply of power to those instruments is not adequate.

Operations under Instrument Flight Rules — flight and navigational instruments and associated equipment – aeroplanes

10. Aeroplanes operated under Instrument Flight Rules must be equipped with a means of—

(a) measuring and displaying the—

(i) magnetic heading;

(ii) time in hours, minutes and seconds;

(iii) pressure altitude;

(iv) indicated airspeed;

(v) vertical speed;

(vi) turn and slip;

(vii) attitude;

(viii) stabilised heading;

(ix) outside air temperature; and

(x) Mach number, whenever speed limitations are expressed in terms of Mach number;

(b) where gyroscopic instruments are installed, indicating when the supply of power to those instruments is not adequate; and

(c) preventing malfunction of the airspeed indicating system required in paragraph (a)(iv) due to condensation or icing.

Operations under Visual Flight Rules — flight and navigational instruments and associated equipment – helicopters and gyroplanes

11.—(1) Helicopters and gyroplanes operated under Visual Flight Rules by day must be equipped with a means of measuring and displaying the—

(a) magnetic heading;

(b) time, in hours, minutes and seconds;

(c) pressure altitude;

(d) indicated airspeed; and

(e) slip.

(2) Helicopters and gyroplanes operated under visual meteorological conditions at night or where flight visibility below cloud is less than 1,500 metres must, in addition to the requirements of sub-paragraph (1), be equipped with—

(a) a means of measuring and displaying attitude and stabilised heading; and

(b) where gyroscopic instruments are installed, a means of indicating when the supply of power to those instruments is not adequate.

Operations under Instrument Flight Rules — flight and navigational instruments and associated equipment – helicopters and gyroplanes

12. Helicopters and gyroplanes operated under Instrument Flight Rules must be equipped with a means of—

(a) measuring and displaying the—

(i) magnetic heading;

(ii) time in hours, minutes and seconds;

(iii) pressure altitude;

(iv) indicated airspeed;

(v) vertical speed;

(vi) slip;

(vii) attitude;

(viii) stabilised heading; and

(ix) outside air temperature;

(b) where gyroscopic instruments are installed, indicating when the supply of power to those instruments is not adequate;

(c) preventing malfunction of the airspeed indicating system required in paragraph (a)(iv) due to condensation or icing; and

(d) as a standby instrument, an additional means of measuring and displaying attitude.

Additional equipment for single pilot operations under Instrument Flight Rules – helicopters and gyroplanes

13. Helicopters and gyroplanes operated under Instrument Flight Rules with a single pilot must be equipped with an autopilot with at least altitude hold and heading mode.

Terrain awareness warning system

14.—(1) Turbine-powered aeroplanes certified for a maximum passenger seating configuration of more than nine must be equipped with a terrain awareness warning system that meets the requirements for—

(a) class A equipment, in the case of aeroplanes for which the individual certificate of airworthiness was first issued after 1st January 2011; or

(b) class B equipment, in the case of aeroplanes for which the individual certificate of airworthiness was first issued on or before 1st January 2011.

(2) In this paragraph—

"class A equipment" means equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water, including excessive closure rate to terrain, flight into terrain when not in landing configuration, excessive downward deviation from an instrument landing system glideslope, a predictive terrain hazard warning function and a visual display; and

"class B equipment" means equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water, including a predictive terrain hazard warning function.

Radio communication equipment

15.—(1) Where required by the notified airspace being flown aircraft must be equipped with radio communication equipment capable of conducting two-way communication with those aeronautical stations and on those frequencies to meet airspace requirements.

(2) The radio communication equipment mentioned in sub-paragraph (1) must provide for communication on the aeronautical emergency frequency 121.5MHz.

(3) When more than one communication equipment unit is required, each must be independent of the others to the extent that a failure in any one will not result in failure of any other.

Navigation equipment

16.—(1) Aircraft operated over routes that cannot be navigated by reference to visual landmarks must be equipped with any navigation equipment necessary to enable them to proceed in accordance with—

(a) the air traffic service flight plan, if applicable; and

(b) the applicable notified airspace requirements.

(2) Aircraft must have sufficient navigation equipment to ensure that, in the event of the failure of one item of equipment at any stage of the flight, the remaining equipment will allow safe navigation in accordance with sub-paragraph (1), or an appropriate contingency action, to be completed safely.

(3) Aircraft operated on flights in which it is intended to land in instrument meteorological conditions must be equipped with suitable equipment capable of providing—

(a) guidance to a point from which a visual landing can be performed; and

(b) such guidance for each aerodrome at which it is intended to land in instrument meteorological conditions and for any designated destination alternate aerodromes.

Transponder

17.—(1) Where required by the notified airspace being flown, aircraft must be equipped with a secondary surveillance radar transponder.

(2) In sub-paragraph (1), "secondary surveillance radar transponder" means such type of radio equipment as may be notified as being capable of—

(a) replying to an interrogation from secondary surveillance radar units on the surface; and

(b) being operated in accordance with such instructions as may be given to the aircraft by the appropriate air traffic control unit.

Airborne collision avoidance system II

18. Aeroplanes powered by one or more turbine jets or turbine propeller engines and having either—

(a) a maximum take-off mass of more than 5,700kg; or

(b) a maximum approved passenger seating configuration of more than 19,

must be equipped with ACAS II in accordance with the Airborne Collision Avoidance Regulation.

SCHEDULE 6 Articles 44(5) and 119(2)

EQUIPMENT OF NON-EASA AIRCRAFT ON PUBLIC TRANSPORT OPERATIONS AND MARKING OF BREAK-IN AREAS

PART 1

General equipment

Equipment which must be carried

1.—(1) Every aircraft of a description specified in the first column of the Table in paragraph 4 which must carry equipment specified in this Part must be provided, if flying in the circumstances specified in the second column of the Table, with adequate equipment.

(2) For the purpose of this paragraph, the expression "adequate equipment" means, subject to sub-paragraphs (3) and (4), the scales of equipment respectively indicated in the third column of that Table.

(3) If the aircraft is flying in a combination of such circumstances, the scales of equipment are not on that account required to be duplicated.

(4) Equipment carried in an aircraft that is necessary for the airworthiness of the aircraft is to be taken into account in determining whether this Schedule is complied with for that aircraft.

Calculation of flying time

2. For the purposes of the Table in paragraph 4, flying time in relation to a helicopter or gyroplane is to be calculated on the assumption that it is flying in still air at the speed specified in the relevant flight manual as the speed for compliance with regulations governing flights over water.

Equipment not requiring type approval

3. The following items of equipment are not required to be of a type approved by EASA or the CAA—

(a) the equipment referred to in Scale A(2);

(b) first aid equipment and handbook, referred to in Scale A(3);

(c) time-pieces, referred to in Scale F;

(d) torches, referred to in Scales G and K;

(e) whistles and survivor locator lights, referred to in Scale H;

(f) sea anchors, referred to in Scales J and K;

(g) rocket signals, referred to in Scale J;

(h) equipment for mooring, anchoring or manoeuvring aircraft on the water, referred to in Scale J;

(i) paddles, referred to in Scale K;

(j) food and water, referred to in Scales K, U and V;

(k) first aid equipment, referred to in Scales K, U and V;

(l) stoves, cooking utensils, snow shovels, ice saws, sleeping bags and Arctic suits, referred to in Scale V;

(m) megaphones, referred to in Scale Y.

Table of required equipment

4. The Table is as follows—

Description of Aircraft	*Circumstances of Flight*	*Scale of Equipment Required*
(1) Aeroplanes	(a) flying for the purpose of public transport and—	A, B(1), (2), (3), (4), (5), (6) and (7), D and F(1)
	(i) flying under Instrument Flight Rules except flights outside controlled airspace in the case of aeroplanes having a maximum take-off mass of not more than 1,150kg	E with E(4) duplicated and F
	(ii) flying by night—	
	(aa) in the case of aeroplanes which have a maximum take-off mass not exceeding 1,150kg	C and G
	(bb) in the case of aeroplanes which have a maximum take-off mass exceeding 1,150kg	C and G, E with E(4) duplicated and F
	(iii) flying over water beyond gliding distance from land	H
	(iv) on all flights on which in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the aeroplane would be forced to land onto water	H
	(v) flying over water—	
	(aa) in the case of aeroplanes capable of continuing the flight to an aerodrome with the critical power unit becoming inoperative, at a greater distance from land suitable for making an emergency landing than that corresponding to 120 minutes at cruising speed or 400 nautical miles, whichever is the lesser or	H and K
	(bb) in the case of all other aeroplanes, at a greater distance from land suitable for making an emergency landing than that corresponding to 30 minutes at cruising speed or 100 nautical miles, whichever is the lesser	H and K
	(vi) having a certificate of airworthiness first issued (whether in the United Kingdom or elsewhere) before 1st January 2002	KK(1) or (2)
	(vii) having a certificate of airworthiness first issued (whether in the United Kingdom or elsewhere) on or after 1st January 2002	KK(2)
	(viii) on all flights which involve manoeuvres on water	H, J and K
	(ix) flying at a height of 10,000 feet or more above mean sea level—	
	(aa) having a certificate of airworthiness first issued (whether in the United Kingdom or elsewhere) before 1st January 1989	L1 or L2
	(bb) having a certificate of airworthiness first issued (whether in the United Kingdom or elsewhere) on or after 1st January 1989	L2

	(x) on flights when the weather reports or forecasts available at the aerodrome at the time of departure indicate that conditions favouring ice formation are likely to be met	M
	(xi) carrying out aerobatic manoeuvres	B(8) and (9)
	(xii) on all flights on which the aircraft carries a flight crew of more than one person	N
	(xiii) on all flights for the purpose of the public transport of passengers	Q and Y(1), (2) and (3)
	(xiv) on all flights by a pressurised aircraft	R
	(xv) flying over substantially uninhabited land areas where, in the event of an emergency landing, tropical conditions are likely to be met	U
	(xvi) flying over substantially uninhabited land or other areas where, in the event of an emergency landing, polar conditions are likely to be met	V
	(xvii) flying at an altitude of more than 49,000 feet	W
(2) Turbine-jet aeroplanes having a maximum take-off mass of more than 5,700kg or pressurised aircraft having a maximum take-off mass of more than 11,400kg	flying for the purpose of public transport	O
(3) Turbine-engined aeroplanes having a maximum take-off mass of more than 5,700kg and piston-engined aeroplanes having a maximum take-off mass of more than 27,000kg except for such aeroplanes falling within paragraphs (4) or (5) which are—		
(a) operated by an the holder of a national air operator's certificate; or an EU-OPS air operator certificate; or	flying on any public transport flight	P
(b) public transport aeroplanes for which application has been made and not withdrawn or refused for a certificate of airworthiness, and which fly under an EASA permit to fly, the A Conditions or under a certificate of airworthiness in the Special Category described in Part 2 of Schedule 3	flying on any public transport flight	P
(4) Public transport aeroplanes for which there is in force a certificate of airworthiness and public		

transport aeroplanes for which an application has been made and not withdrawn or refused for a certificate of airworthiness, and which fly under an EASA permit to fly, the A Conditions or under a certificate of airworthiness in the Special Category described in Part 2 of Schedule 3 except for such aeroplanes falling within paragraph (5) which conform to a type first issued with a type certificate—		
(a) (whether in the United Kingdom or elsewhere) on or after 1st April 1971 and which have a maximum take-off mass of more than 5,700kg but of not more than 11,400kg; or	flying on any public transport flight	S(1)
(b) (whether in the United Kingdom or elsewhere) on or after 1st April 1971 and which have a maximum take-off mass of more than 11,400kg but not more than 27,000kg; or	flying on any public transport flight	S(2)
(c) (whether in the United Kingdom or elsewhere) on or after 1st April 1971 and which have a maximum take-off mass of more than 27,000kg but not more than 230,000kg; or	flying on any public transport flight	S(3)
(d) in the United Kingdom on or after 1st January 1970 and which have a maximum take-off mass of more than 230,000kg	flying on any public transport flight	S(3)
(5) Public transport aeroplanes for which there is in force a certificate of airworthiness and public transport aeroplanes for which application has been made and not withdrawn or refused for a certificate of airworthiness, and which fly under an EASA permit to fly, the A Conditions or under a certificate of airworthiness in the Special Category		

described in Part 2 of Schedule 3 for which an individual certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) on or after 1st June 1990 and which have a maximum take-off mass of—		
(a) not more than 5,700kg, are powered by two or more turbine engines and with a maximum approved passenger seating configuration of more than 9; or	flying on any public transport flight	S(4)
(b) more than 5,700kg but not more than 27,000kg; or	flying on any public transport flight	S(5)
(c) more than 27,000kg	flying on any public transport flight	S(6)
(6) Public transport aeroplanes—		
(a) which conform to a type first issued with a type certificate (whether in the United Kingdom or elsewhere) on or after 1st April 1971 and having a maximum take-off mass of more than 27,000kg; or	flying on any public transport flight	T
(b) which conform to a type first issued with a type certificate in the United Kingdom on or after 1st January 1970 and which have a maximum take-off mass of more than 230,000kg and for which there is in force a certificate of airworthiness; or	flying on any public transport flight	T
(c) having a maximum take-off mass of more than 27,000kg which conform to a type first issued with a type certificate on or after 1st April 1971 (or 1st January 1970 in the case of an aeroplane having a maximum take-off mass of more than 230,000kg) for which application has been made and not withdrawn or refused for a certificate of airworthiness, and which fly under an EASA permit to fly, the A	flying on any public transport flight	T

Conditions or under a certificate of airworthiness in the Special Category described in Part 2 of Schedule 3		
(7) Aeroplanes powered by one or more turbine jets or one or more turbine propeller engines and which have a maximum take-off mass of more than 15,000kg or with a maximum approved passenger seating configuration of more than 30	flying for the purpose of public transport	X(1)
(8) Aeroplanes which are powered by one or more turbine jets or one or more turbine propeller engines and which have a maximum take-off mass of more than 5,700kg but not more than 15,000kg or with a maximum approved passenger seating configuration of more than 9 but not more than 30	flying for the purpose of public transport except when flying under and in accordance with the terms of a police air operator's certificate	X(1)
(9) Aeroplanes—		
(a) powered by one or more turbo-jets and which have a maximum take-off mass of more than 22,700kg; or	flying by night for the purpose of the public transport of passengers	Z(1) and (2)
(b) having a maximum take-off mass of more than 5,700kg and which conform to a type for which a certificate of airworthiness was first applied for (whether in the United Kingdom or elsewhere) after 30th April 1972 but not including any aeroplane which in the opinion of the CAA is identical in all matters affecting the provision of emergency evacuation facilities to an aeroplane for which a certificate of airworthiness was first applied for before that date; or	flying by night for the purpose of the public transport of passengers	Z(1) and (2)
(c) with a maximum approved passenger seating configuration of	flying by night for the purpose of the public transport of passengers	Z(1)

more than 19; or		
(d) having a maximum take-off mass of more than 5,700kg and which conform to a type for which a certificate of airworthiness was first applied for (whether in the United Kingdom or elsewhere) after 30th April 1972 but not including any aeroplane which in the opinion of the CAA is identical in all matters affecting the provision of emergency evacuation facilities to an aeroplane for which a certificate of airworthiness was first applied for before that date; or	flying for the purpose of the public transport of passengers	Z(3)
(e) powered by one or more turbo-jets and which have a maximum take-off mass of more than 22,700kg; or	flying for the purpose of the public transport of passengers	Z(3)
(f) first issued with a type certificate (whether in the United Kingdom or elsewhere) on or after 1st January 1958 and with a maximum approved passenger seating configuration of more than 19	flying for the purpose of the public transport of passengers	Z(3)
(10) Aeroplanes—		
(a) powered by one or more turbine jets	flying for the purpose of the public transport	AA
(b) powered by one or more turbine propeller engines and having a maximum take-off mass of more than 5,700kg and first issued with a certificate of airworthiness in the United Kingdom on or after 1st April 1989	flying for the purpose of the public transport	AA
(11) Public transport aeroplanes	flying for the purpose of the public transport of passengers	Y(4)
(12) Helicopters and Gyroplanes	flying for the purpose of public transport and—	A, B(1), (2), (3), (4), (5), (6) and (7) and F(1) and F(4)
	(i) flying by day under Visual Flight Rules—	
	(aa) with the surface in sight	D

(bb) when the surface is not in sight	E
(ii) flying by day under Instrument Flight Rules—	
(aa) with the surface in sight	E
(bb) when the surface is not in sight	E with both E(2) and E(4) duplicated, F(2), (3) and (5)
(iii) flying by night with the surface in sight—	
(aa) in circumstances where one pilot is required	C, E with E(2) duplicated and either E(4) duplicated or a radio altimeter, F(2), (3), (5) and G
(bb) in circumstances where two pilots are required	C, E, F(2), (3), and (5) and G for each pilot's station
(iv) flying by night when the surface is not in sight	C, E with both E(2) and E(4) duplicated, F(2), (3), (5) and G
(v) flying over water—	
(aa) in the case of a helicopter carrying out Performance Class 2 or 3 operations or a gyroplane classified in its certificate of airworthiness as being of performance group A2 or B when beyond auto-rotational gliding distance from land suitable for an emergency landing	E and H
(bb) on all flights on which in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the helicopter or gyroplane would be forced to land onto water	H
(cc) in the case of a helicopter carrying out Performance Class 1 operations or Performance Class 2 operations or a gyroplane classified in its certificate of airworthiness as being of performance group A2 when beyond 10 minutes flying time from land	E, H, K and T
(dd) for more than a total of three minutes in any flight	EE
(ee) in the case of a helicopter carrying out Performance Class 1 operations or Performance Class 2 operations or a gyroplane classified in its certificate of airworthiness as being of performance	I

	group A2 which is intended to fly beyond 10 minutes flying time from land or which actually flies beyond 10 minutes flying time from land, on a flight which is either in support of or in connection with the offshore exploitation or exploration of mineral resources (including gas) or is on a flight under and in accordance with the terms of a police air operator's certificate, when in either case the weather reports or forecasts available to the pilot in command of the aircraft indicate that the sea temperature will be less than plus 10ºC during the flight or when any part of the flight is at night	
	(vi) flying on Performance Class 1 operations or Performance Class 2 operations over water beyond 10 minutes flying time from land and not required to comply with sub-paragraph (ix)	KK(2)
	(vii) flying on Performance Class 3 operations beyond auto-rotational or safe forced landing distance from land	KK(2)
	(viii) flying over land areas which have been designated by the State concerned as areas in which search and rescue would be especially difficult	KK(2)
	(ix) flying on Performance Class 1 operations or Performance Class 2 operations over water in a hostile environment at a distance from land corresponding to more than ten minutes flying time at normal cruising speed in support of or in connection with the offshore exploitation or exploration of mineral resources (including gas)	KK(3)
	(x) on all flights which involve manoeuvres on water	H, J and K
	(xi) flying at a height of 10,000 feet or more above mean sea level—	
	(aa) having a certificate of airworthiness first issued (whether in the United Kingdom or elsewhere) before 1st January 1989	L1 or L2
	(bb) having a certificate of airworthiness first issued (whether in the United Kingdom or elsewhere) on or after 1st January 1989	L2
	(xii) on flights when the weather reports or forecasts available at the aerodrome at the time of departure indicate that conditions favouring ice formation are likely to be met	M
	(xiii) on all flights on which the aircraft carries a flight crew of more than one person	N
	(xiv) on all flights for the purpose of the public transport of passengers	Y(1), (2) and (3)
	(xv) flying over substantially uninhabited land areas where, in the event of an emergency landing, tropical conditions are likely to be met	U
	(xvi) flying over substantially uninhabited land or other areas where, in the event of an emergency landing, polar conditions are likely to be met	V
	(xvii) with a maximum approved passenger seating configuration of more than nine and operating in a hostile environment	SS(8)
(13) Helicopters and		

Gyroplanes—		
(a) having a maximum take-off mass of more than 5,700kg and which conform to a type for which a certificate of airworthiness was first applied for (whether in the United Kingdom or elsewhere) after 30th April 1972 but not including any helicopter or gyroplane which in the opinion of the CAA is identical in all matters affecting the provision of emergency evacuation facilities to a helicopter or gyroplane for which a certificate of airworthiness was first applied for before that date; or	flying by night for the purpose of the public transport of passengers	Z(1) and (2)
(b) with a maximum approved passenger seating configuration of more than 19; or	flying by night for the purpose of the public transport of passengers	Z(1)
(c) which are public transport helicopters or gyroplanes for which there is in force a certificate of airworthiness and public transport helicopters or gyroplanes for which application has been made and not withdrawn or refused for a certificate of airworthiness, and which fly under an EASA permit to fly, the A Conditions or under a certificate of airworthiness in the Special Category described in Part 2 of Schedule 3; and—		
(i) which have a maximum take-off mass of more than 2,730kg but not more than 7,000kg or with a maximum approved passenger seating configuration of more than 9 or both	flying on any public transport flight	SS(1) or SS(3)
(ii) which have a maximum take-off mass of more than 7,000kg	flying on any public transport flight	SS(2) or SS(3)

Scales of equipment

5. The scales of equipment indicated in the Table at paragraph 4 are as follows—

Scale A

(1) Spare fuses for all electrical circuits the fuses of which can be replaced in flight, consisting of 10% of the number of each rating or three of each rating, whichever is the greater.

(2) Maps, charts, codes and other documents and navigational equipment necessary, in addition to any other equipment required under this Order, for the intended flight of the aircraft including any diversion which may reasonably be expected.

(3) First aid equipment of good quality, sufficient in quantity, having regard to the number of persons on board the aircraft, and including the following—

(a) roller bandages;

(b) triangular bandages;

(c) adhesive plaster;

(d) absorbent gauze or wound dressings;

(e) cotton wool or wound dressings;

(f) burn dressings;

(g) safety pins;

(h) haemostatic bandages or tourniquets;

(i) scissors;

(j) antiseptic;

(k) analgesic and stimulant drugs;

(l) splints, in the case of aeroplanes the maximum take-off mass of which exceeds 5,700kg; and

(m) a handbook on first aid.

(4) In the case of a flying machine used for the public transport of passengers in which, while the flying machine is at rest on the ground, the sill of any external door intended for the disembarkation of passengers, whether normally or in an emergency—

(a) is more than 1.82 metres from the ground when the undercarriage of the machine is in the normal position for taxiing; or

(b) would be more than 1.82 metres from the ground if the whole or any part of the undercarriage should collapse, break or fail to function,

apparatus readily available for use at each such door consisting of a device or devices which will enable passengers to reach the ground safely in an emergency while the flying machine is on the ground, and can be readily fixed in position for use.

(5) A hand fire extinguisher for each enclosed passenger and crew compartment, so installed that at least one extinguisher is conveniently located for use by a member of the flight crew.

Scale AA

(1) Subject to paragraph (2), an altitude alerting system capable of alerting the pilot on approaching a preselected altitude in either ascent or descent, by a sequence of visual and aural signals in sufficient time to establish level flight at that preselected altitude and when deviating above or below that preselected altitude, by a visual and an aural signal.

(2) If the system becomes unserviceable, the aircraft may fly or continue to fly, until it first lands at a place at which it is reasonably practicable for the system to be repaired or replaced.

Scale B

(1) If the maximum take-off mass of the aircraft is 2,730kg or less, for every pilot's seat and for any seat situated alongside a pilot's seat, either a safety belt with one diagonal shoulder strap or a safety harness, or with the permission of the CAA, a safety belt without a diagonal shoulder strap

for which permission may be granted if the CAA is satisfied that it is not reasonably practicable to fit a safety belt with one diagonal shoulder strap or a safety harness.

(2) If the maximum take-off mass of the aircraft exceeds 2,730kg, either a safety harness for every pilot's seat and for any seat situated alongside a pilot's seat, or with the permission of the CAA, a safety belt with one diagonal shoulder strap which permission may be granted if the CAA is satisfied that it is not reasonably practicable to fit a safety harness.

(3) For every seat in use (not being a seat referred to in paragraphs (1), (2), (5) and (6)) a safety belt with or without one diagonal shoulder strap or a safety harness.

(4) In addition, and to be attached to or secured by the equipment required in paragraph (3) or (6), a child restraint device for every child under the age of two years on board.

(5) On all flights for the public transport of passengers by aircraft, for each seat for use by cabin crew who are required to be carried under this Order, a safety harness.

(6) On all flights in aeroplanes for which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) on or after 1st February 1989, the maximum take-off mass of which is not more than 5,700kg and with a maximum approved passenger seating configuration of 9 or less, (otherwise than for seats referred to under paragraph (1) or (2)), a safety belt with one diagonal shoulder strap or a safety harness for each seat intended for use by a passenger.

(7) If the pilot in command cannot, from the pilot in command's own seat, see all the passenger seats in the aircraft, a means of indicating to the passengers that seat belts should be fastened.

(8) Subject to paragraph (9), a safety harness for every seat in use.

(9) In the case of an aircraft carrying out aerobatic manoeuvres consisting only of erect spinning, the CAA may permit a safety belt with one diagonal shoulder strap to be fitted if it is satisfied that such restraint is sufficient for the carrying out of erect spinning in that aircraft and that it is not reasonably practicable to fit a safety harness in that aircraft.

Scale C

(1) Equipment for displaying the lights required by provision 3215 of SERA.

(2) Electrical equipment, supplied from the main source of supply in the aircraft, to provide sufficient illumination to enable the flight crew properly to carry out their duties during flight.

(3) Unless the aircraft is equipped with radio, devices for making the visual signal specified in paragraphs 1, 2 and 3 of the Appendix to SERA as indicating a request for permission to land.

Scale D

(1) In the case of a helicopter or gyroplane, a slip indicator.

(2) In the case of any other flying machine either—

(a) a turn indicator and a slip indicator; or

(b) a gyroscopic bank and pitch indicator and a gyroscopic direction indicator.

(3) A sensitive pressure altimeter adjustable for any sea level barometric pressure which the weather report or forecasts available to the pilot in command of the aircraft indicate is likely to be encountered during the intended flight.

Scale E

(1) In the case of—

(a) a helicopter or gyroplane, a slip indicator;

(b) any other flying machine, a slip indicator and either a turn indicator or, at the option of the operator, an additional gyroscopic bank and pitch indicator.

(2) A gyroscopic bank and pitch indicator.

(3) A gyroscopic direction indicator.

(4) A sensitive pressure altimeter adjustable for any sea level barometric pressure which the weather report or forecasts available to the pilot in command of the aircraft indicate is likely to be encountered during the intended flight.

Scale EE

(1) Subject to paragraph (2), a radio altimeter with an audio voice warning operating below a pre-set height and a visual warning capable of operating at a height selectable by the pilot.

(2) A helicopter flying under and in accordance with the terms of a police air operator's certificate may instead be equipped with a radio altimeter with an audio warning and a visual warning each capable of operating at a height selectable by the pilot.

Scale F

(1) A timepiece indicating the time in hours, minutes and seconds.

(2) A means of indicating whether the power supply to the gyroscopic instrument is adequate.

(3) A rate of climb and descent indicator.

(4) A means of indicating in the flight crew compartment the outside air temperature calibrated in degrees Celsius.

(5) If the maximum take-off mass of the aircraft exceeds 5,700kg, two air speed indicators.

Scale G

(1) In the case of an aircraft other than a helicopter or gyroplane, landing lights consisting of two single filament lamps, or one dual filament lamp with separately energised filaments.

(2) An electrical lighting system to provide illumination in every passenger compartment.

(3) Either—

(a) one electric torch for each member of the crew of the aircraft; or

(b) one electric torch—

(i) for each member of the flight crew of the aircraft; and

(ii) affixed adjacent to each floor level exit intended for the disembarkation of passengers whether normally or in an emergency, provided that such torches must—

(aa) be readily accessible for use by the crew of the aircraft at all times; and

(bb) number in total not less than the minimum number of members of the cabin crew required to be carried with a full passenger complement.

(4) In the case of an aircraft other than a helicopter or gyroplane which has a maximum take-off mass exceeding 5,700kg, means of observing the existence and build-up of ice on the aircraft.

(5) In the case of a helicopter carrying out Performance Class 1 operations or Performance Class 2 operations or a gyroplane for which there is in force a certificate of airworthiness designating the gyroplane as being of performance group A, either—

(a) two landing lights both of which are adjustable so as to illuminate the ground in front of and below the helicopter or gyroplane and one of which is adjustable so as to illuminate the ground on either side of the helicopter or gyroplane; or

(b) one landing light or, if the maximum take-off mass of the helicopter or gyroplane exceeds 5,700kg, one dual filament landing light with separately energised filaments, or two single filament lights, each of which is adjustable so as to illuminate the ground in front of and below the helicopter or gyroplane, and two parachute flares.

(6) In the case of a helicopter carrying out Performance Class 3 operations or a gyroplane for which there is in force a certificate of airworthiness designating the gyroplane as being of performance group B—

(a) one landing light and two parachute flares;

(b) if the maximum take-off mass of the helicopter or gyroplane exceeds 5,700kg, either one dual filament landing light with separately energised filaments or two single filament landing lights, and two parachute flares; or

(c) if the maximum take-off mass of the helicopter or gyroplane is 5,700kg or less and the flight is for a purpose other than public transport—

(i) two landing lights, one of which is adjustable in flight so as to illuminate the ground in front of, below and on either side of the helicopter; or

(ii) two landing lights in addition to the helicopter standard equipment, which must be adjusted so as to illuminate the ground in front of the helicopter.

Scale GG

(1) A landing light.

Scale H

(1) Subject to paragraph (2), for each person on board, a lifejacket equipped with a whistle and survivor locator light.

(2) Lifejackets constructed and carried solely for use by children under three years of age need not be equipped with a whistle.

Scale I

(1) A survival suit for each member of the crew.

Scale J

(1) Additional flotation equipment, capable of supporting one-fifth of the number of persons on board, and provided in a place of stowage accessible from outside the flying machine.

(2) Parachute distress rocket signals capable of making, from the surface of the water, the pyrotechnical signal of distress specified in paragraphs 1, 2 and 3 of the Appendix to SERA and complying with paragraph 3.1 of the International Life-Saving Appliance (LSA) Code contained in International Maritime Organisation Resolution MSC.48(66), as amended(**a**).

(3) A sea anchor and other equipment necessary to facilitate mooring, anchoring or manoeuvring the flying machine on water, appropriate to its size, weight and handling characteristics.

Scale K

(1) In the case of—

(a) a flying machine, other than a helicopter or gyroplane carrying 20 or more persons, liferafts sufficient to accommodate all persons on board;

(b) a helicopter or gyroplane carrying 20 or more persons, a minimum of two liferafts sufficient together to accommodate all persons on board.

(2) Each liferaft must contain the following equipment—

(a) means of maintaining buoyancy;

(b) a sea anchor;

(c) life-lines, and means of attaching one liferaft to another;

(d) paddles or other means of propulsion;

(e) means of protecting the occupants from the elements;

(f) a waterproof torch;

(g) marine type pyrotechnical distress signals;

(h) means of making sea water drinkable, unless the full quantity of fresh water is carried as specified in sub-paragraph (i);

(i) for each four or proportion of four persons the liferaft is designed to carry, 100 grammes of glucose toffee tablets and—

(i) ½ litre of fresh water in durable containers; or

(**a**) Treaty Series No. 44 (1998); Cm 4063.

(ii) in any case in which it is not reasonably practicable to carry ½ litre of fresh water, as large a quantity of fresh water in durable containers as is reasonably practicable in the circumstances,

provided that in no case must the quantity of water carried be less than is sufficient, when added to the amount of fresh water capable of being produced by means of the equipment specified in sub-paragraph (h) to provide ½ litre of water for each four or proportion of four persons the liferaft is designed to carry; and

(j) first aid equipment.

(3) Items (2)(f) to (j) inclusive must be contained in a pack.

(4) The number of survival beacon radio apparatus carried when the aircraft is carrying the number of liferafts specified in Column 1 of the following Table must be not less than the number specified in, or calculated in accordance with, Column 2.

Column 1	*Column 2*
Not more than 8 liferafts	2 survival beacon radio apparatus
For every additional 4 or proportion of 4 liferafts	1 additional survival beacon radio apparatus

Scale KK

(1) A survival emergency locator transmitter which complies with paragraph (4).

(2) An automatic emergency locator transmitter which complies with paragraph (4).

(3) An automatically deployable emergency locator transmitter which complies with paragraph (4).

(4) The transmitter must be capable of operating in accordance with the relevant provisions of Annex 10 to the Chicago Convention, Volume III (Second Edition July 2007) and transmitting on 121.5 MHz and 406 MHz.

Scale L1 Part 1

(1) In every flying machine which is provided with means for maintaining a pressure greater than 700 hectopascals throughout the flight in the flight crew compartment and in the compartments in which the passengers are carried—

(a) in the event of a failure to maintain such pressure occurring in the circumstances specified in columns 1 and 2 of the Table set out in Part 2, a supply of oxygen sufficient for continuous use during the periods specified in column 3 of the Table, by the persons for whom oxygen is to be provided in accordance with column 4 of the Table; and

(b) in every case where the flying machine flies above flight level 350, a supply of oxygen in a portable container sufficient for the simultaneous first aid treatment of two passengers,

together with suitable and sufficient apparatus to enable such persons to use the oxygen.

(2) In any other flying machine—

(a) a supply of oxygen sufficient for continuous use by all the crew other than the flight crew and, if passengers are carried, by 10% of the number of passengers, for any period of more than 30 minutes during which the flying machine flies above flight level 100 but not above flight level 130; and the flight crew must be supplied with oxygen sufficient for continuous use for any period during which the flying machine flies above flight level 100; and

(b) a supply of oxygen sufficient for continuous use by all persons on board for the whole time during which the flying machine flies above flight level 130,

together with suitable and sufficient apparatus to enable such persons to use the oxygen.

(3) The quantity of oxygen required for the purpose of complying with paragraphs (1) and (2) of this Part is to be computed in accordance with the information and instructions specified in the operations manual relating to the aircraft under paragraph 1(h) of Part 1 of Schedule 9.

Scale L1 Part 2

Column1 *Vertical displacement of the flying machine in relation to flight levels*	*Column 2* *Capability of flying machine to descend (where relevant)*	*Column 3* *Period of supply of oxygen*	*Column 4* *Persons for whom oxygen is to be provided*
Above flight level 100		30 minutes or the period specified in note (A) to the table, whichever is the greater	In addition to any passengers for whom oxygen is provided as specified below, all the crew
Above flight level 100 but not above flight level 300	Flying machine is either flying at or below flight level 150 or is capable of descending and continuing to destination as specified in note (X) to the table	30 minutes or the period specified in note (A) to the table, whichever is the greater	10% of number of passengers
Above flight level 100 but not above flight level 300	Flying machine is flying above flight level 150 and is not capable of descending and continuing to destination specified in note (X) to the table	10 minutes or the period specified in note (B) to the table, whichever is the greater—	All passengers
		and 30 minutes or the period specified in note (C) to the table, whichever is the greater	10% of number of passengers
Above flight level 300 but not above flight level 350	Flying machine is capable of descending and continuing to destination as specified in note (Y) to the table	30 minutes or the period specified in note (A) to the table, whichever is the greater	15% of number of passengers
Above flight level 300 but not above flight level 350	Flying machine is not capable of descending and continuing to destination as specified in note (Y) to the table	10 minutes or the period specified in note (B) to the table, whichever is the greater—	All passengers
		and 30 minutes or the period specified in note (C) to the table, whichever is the greater	15% of passengers
Above flight level 350		10 minutes or the period specified in note (B) to the table, whichever is the greater—	All passengers
		and 30 minutes or the	15% of number of

	period specified in note [C] to the table, whichever is the greater	passengers

[A] The whole period during which, after a failure to maintain a pressure greater than 700 hectopascals in the control compartment and in the compartments in which passengers are carried has occurred, the flying machine flies above flight level 100.

[B] The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies above flight level 150.

[C] The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies above flight level 100, but not above flight level 150.

[X] The flying machine is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual, to flight level 150 within six minutes, and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

[Y] The flying machine is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual, to flight level 150 within four minutes, and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Scale L2

(1) A supply of oxygen and the associated equipment to meet the requirements set out in Part 1 of this Scale in the case of unpressurised aircraft and Part 2 of this Scale in the case of pressurised aircraft.

(2) The duration for the purposes of this Scale is whichever is the greater of—

(a) that calculated in accordance with the operations manual before the commencement of the flight, being the period or periods which it is reasonably anticipated that the aircraft will be flown in the circumstances of the intended flight at a height where the said requirements apply, and in calculating the duration, account must be taken of—

(i) in the case of pressurised aircraft, the possibility of depressurisation when flying above flight level 100;

(ii) the possibility of failure of one or more of the aircraft engines;

(iii) restrictions due to required minimum safe altitude;

(iv) fuel requirement; and

(v) the performance of the aircraft; or

(b) the period or periods during which the aircraft is actually flown in the circumstances specified in those Parts.

Part 1 Unpressurised aircraft

(3) When flying at or below flight level 100, nil.

(4) When flying above flight level 100 but not above flight level 120—

Supply for	*Duration*
(a) Members of the flight crew	Any period during which the aircraft flies above flight level 100
(b) Members of the cabin crew and 10% of passengers	For any continuous period of more than 30 minutes during which the aircraft flies above flight level 100 but not above flight level 120, the duration is the period by which 30 minutes is exceeded

(5) When flying above flight level 120—

Supply for	*Duration*
(a) Members of the flight crew	Any period during which the aircraft flies above flight level 120
(b) Members of the cabin crew and all passengers	Any period during which the aircraft flies above flight level 120

Part 2 Pressurised aircraft

(6) When flying at or below flight level 100, nil.

(7) When flying above flight level 100 but not above flight level 250—

Supply for	*Duration*
(a) Members of the flight crew	30 minutes or whenever the cabin pressure altitude exceeds 10,000 feet, whichever is the greater
(b) Members of the cabin crew and 10% of passengers	(i) When the aircraft is capable of descending and continuing to its destination as specified in note [(A)] to the table, 30 minutes or whenever the cabin pressure altitude exceeds 10,000 feet, whichever is the greater (ii) When the aircraft is not so capable, whenever the cabin pressure altitude is greater than 10,000 feet but is not more than 12,000 feet
(c) Members of the cabin crew and all passengers	(i) When the aircraft is capable of descending and continuing to its destination as specified at A below, no requirement other than that at (2)(b)(i) of this Part of this Scale (ii) When the aircraft is not so capable and the cabin pressure altitude exceeds 12,000 feet, the duration is the period when the cabin pressure altitude exceeds 12,000 feet or 10 minutes, whichever is the greater

[(A)] The flying machine is capable, at the time when a failure to maintain cabin pressurisation occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 120 within five minutes and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

(8) When flying above flight level 250—

Supply for	*Duration*
(a) Members of the flight crew	2 hours or whenever the cabin pressure altitude exceeds 10,000 feet, whichever is the greater
(b) Members of the cabin crew	Whenever the cabin pressure altitude exceeds 10,000 feet, and a portable supply for 15 minutes
(c) 10% of passengers	Whenever the cabin pressure altitude exceeds 10,000 feet but is not more than 12,000 feet
(d) 30% of passengers	Whenever the cabin pressure altitude exceeds 12,000 feet but is not more than 15,000 feet
(e) All passengers	If the cabin pressure altitude exceeds 15,000 feet, the duration is the period when the cabin

	pressure altitude exceeds 15,000 feet or 10 minutes, whichever is the greater
(e) 2% of passengers or two passengers, whichever is the greater, being a supply of first aid oxygen which must be available for simultaneous first aid treatment of 2% or two passengers wherever they are seated in the aircraft	Whenever, after decompression, the cabin pressure altitude exceeds 8,000 feet

Scale M

(1) Equipment to prevent the impairment through ice formation of the functioning of the controls, means of propulsion, lifting surfaces, windows or equipment of the aircraft so as to endanger the safety of the aircraft.

Scale N

(1) An intercommunication system for use by all members of the flight crew and including microphones, not of a hand-held type, for use by the pilot and flight engineer (if any).

Scale O

(1) Subject to paragraphs (2) and (3), a radar set capable of giving warning to the pilot in command of the aircraft and to the co-pilot of the presence of cumulo-nimbus clouds and other potentially hazardous weather conditions.

(2) A flight may commence if the set is unserviceable or continue if the set becomes unserviceable in flight so as to give the warning only to one pilot, if the aircraft is flying only to the place at which it first becomes reasonably practicable for the set to be repaired.

(3) A flight may commence if the set is unserviceable or continue if the set becomes unserviceable in flight if—

(a) the weather report or forecasts available to the pilot in command of the aircraft indicate that cumulo-nimbus clouds or other potentially hazardous weather conditions, which can be detected by the set when in working order, are unlikely to be encountered on the intended route or any planned diversion from the route; or

(b) the pilot in command is satisfied that any such weather conditions will be encountered in daylight and can be seen and avoided; and

(c) the aircraft is operated throughout the flight in accordance with any relevant instructions given in the operations manual.

Scale P

(1) Subject to paragraphs (2) and (5), a flight data recorder which is capable of recording, by reference to a time-scale, the following data—

(a) indicated airspeed;

(b) indicated altitude;

(c) vertical acceleration;

(d) magnetic heading;

(e) pitch attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;

(f) engine power, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;

(g) flap position; and

(h) roll attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded.

(2) Subject to paragraph (5), any aeroplane having a maximum take-off mass of not more than 11,400kg may be provided with—

(a) a flight data recorder capable of recording the data specified in paragraph (1); or

(b) a four channel cockpit voice recorder.

(3) Subject to paragraph (5), in addition, on all flights by turbine-powered aeroplanes having a maximum take-off mass of more than 11,400kg, a four channel cockpit voice recorder.

(4) The flight data recorder and cockpit voice recorder referred to above must be so constructed that the record would be likely to be preserved in the event of an accident to the aeroplane.

(5) An aeroplane is not required to carry the equipment specified in paragraphs (1), (2) and (3) if, before take off, the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the CAA.

Scale R

(1) For aeroplanes having a maximum take-off mass of more than 5,700kg—

(a) equipment sufficient to protect the eyes, nose and mouth of all members of the flight crew required to be carried by Section 1 of Chapter 2, and Section 2 of Chapter 7, of Part 5 for a period of not less than 15 minutes; and

(b) if under Section 1 of Chapter 2, and Section 2 of Chapter 7, of Part 5 the minimum flight crew required to be carried is more than one and a member of the cabin crew is not required to be carried, portable equipment sufficient to protect the eyes, nose and mouth of one member of the flight crew for a period of not less than 15 minutes.

(2) For aeroplanes having a maximum take-off mass of not more than 5,700kg—

(a) either the equipment specified in paragraph (1); or

(b) in the case of such aeroplanes which are restricted by virtue of the operator's operations manual to flight at or below flight level 250 and are capable of descending as specified at paragraph (5), such equipment sufficient to protect the eyes only.

(3) For—

(a) aeroplanes having a maximum take-off mass of more than 5,700kg, portable equipment to protect the eyes, nose and mouth of all members of the cabin crew required to be carried by Section 1 of Chapter 2, and Section 2 of Chapter 7, of Part 5 for a period of not less than 15 minutes;

(b) aeroplanes having a maximum take-off mass of not more than 5,700kg, subject to paragraph (4), the equipment specified in sub-paragraph (3)(a).

(4) Sub-paragraph (3)(b) does not apply to such aeroplanes which are restricted by virtue of the operator's operations manual to flight at or below flight level 250 and are capable of descending as specified at paragraph (5).

(5) The aeroplane is capable of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aeroplane, to flight level 100 within four minutes and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Scale S

(1) Subject to paragraph (8), either a four channel cockpit voice recorder or a flight data recorder which complies with paragraph (7) and capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane—

(a) the flight path;

(b) attitude; and

(c) the basic lift, thrust and drag forces acting on it.

(2) Subject to paragraph (8), a four channel cockpit voice recorder and a flight data recorder which comply with paragraph (7) and capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane—

(a) the information specified in paragraph (1); and

(b) use of VHF transmitters.

(3) Subject to paragraph (8), a four channel cockpit voice recorder and a flight data recorder which comply with paragraph (7) and capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane—

(a) the flight path;

(b) attitude;

(c) the basic lift, thrust and drag forces acting on it;

(d) the selection of high lift devices (if any) and airbrakes (if any);

(e) the position of primary flying control and pitch trim surfaces;

(f) outside air temperature;

(g) instrument landing deviations;

(h) use of automatic flight control systems;

(i) use of VHF transmitters;

(j) radio altitude (if any); and

(k) the level or availability of essential AC electricity supply and cockpit warnings relating to engine fire and engine shut-down, cabin pressurisation, presence of smoke and hydraulic/pneumatic power supply.

(4) Subject to paragraph (8), either a cockpit voice recorder and a flight data recorder or a combined cockpit voice recorder and flight data recorder which comply with paragraph (7) and capable in either case of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane—

(a) the flight path;

(b) speed;

(c) attitude;

(d) engine power;

(e) outside air temperature;

(f) configuration of lift and drag devices;

(g) use of VHF transmitters; and

(h) use of automatic flight control systems.

(5) Subject to paragraph (8), a cockpit voice recorder and a flight data recorder which comply with paragraph (7) and capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane—

(a) the flight path;

(b) speed;

(c) attitude;

(d) engine power;

(e) outside air temperature;

(f) configuration of lift and drag devices;

(g) use of VHF transmitters; and

(h) use of automatic flight control systems.

(6) Subject to paragraph (8), a cockpit voice recorder and a flight data recorder which comply with paragraph (7) and capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane—

(a) the flight path;

(b) speed;

(c) attitude;

(d) engine power;

(e) outside air temperature;

(f) instrument landing system deviations;

(g) marker beacon passage;

(h) radio altitude;

(i) configuration of the landing gear and lift and drag devices;

(j) position of primary flying controls;

(k) pitch trim position;

(l) use of automatic flight control systems;

(m) use of VHF transmitters;

(n) ground speed/drift angle or latitude/longitude if the navigational equipment provided in the aeroplane is of such a nature as to enable this information to be recorded with reasonable practicability;

(o) cockpit warnings relating to ground proximity; and

(p) the master warning system.

(7) Any cockpit voice recorder, flight data recorder or combined cockpit voice recorder and flight data recorder required to be carried by paragraphs (1) to (6) must be so constructed that the record would be likely to be preserved in the event of an accident.

(8) An aircraft is not required to carry the equipment specified in paragraphs (1) to (6) if, before take-off, the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the CAA.

Scale SS

(1) A four channel cockpit voice recorder capable of recording and retaining the data recorded during at least the last 30 minutes of its operation and a flight data recorder capable of recording and retaining the data recorded during at least the last eight hours of its operation being the data required to determine by reference to a time scale the following matters accurately in respect of the helicopter or gyroplane—

(a) flight path;

(b) speed;

(c) attitude;

(d) engine power;

(e) main rotor speed;

(f) outside air temperature;

(g) position of pilot's primary flight controls;

(h) use of VHF transmitters;

(i) use of automatic flight controls (if any);

(j) use of stability augmentation system (if any);

(k) cockpit warnings relating to the master warning system; and

(l) selection of hydraulic system and cockpit warnings of failure of essential hydraulic systems.

(2) A—

(a) four channel cockpit voice recorder capable of recording and retaining the data recorded during at least the last 30 minutes of its operation; and

(b) flight data recorder capable of recording and retaining the data recorded during at least the last 8 hours of its operation, being the data required to accurately determine by reference to a time scale the information specified in paragraph (1) together with the following matters in respect of the helicopter or gyroplane—

(i) landing gear configuration;

(ii) indicated sling load force if an indicator is provided in the helicopter or gyroplane of such a nature as to enable this information to be recorded with reasonable practicability;

(iii) radio altitude;

(iv) instrument landing system deviations;

(v) marker beacon passage;

(vi) ground speed/drift angle or latitude/longitude if the navigational equipment provided in the helicopter or gyroplane is of such a nature as to enable this information to be recorded with reasonable practicability; and

(vii) main gear box oil temperature and pressure.

(3) Subject to paragraphs (4) and (7), a combined cockpit voice recorder and flight data recorder which meets the following requirements—

(a) in the case of a helicopter or gyroplane which is otherwise required to carry a flight data recorder specified at paragraph (1) the flight data recorder must be capable of recording the data specified in paragraph (1) and retaining it for the duration specified in paragraph (1);

(b) in the case of a helicopter or gyroplane which is otherwise required to carry a flight data recorder specified at paragraph (2) the flight data recorder must be capable of recording the data specified in paragraph (2) and retaining it for the duration specified in paragraph (2); and

(c) the cockpit voice recorder must be capable of recording and retaining at least the last hour of cockpit voice recording information on not less than three separate channels.

(4) In any case when a combined cockpit voice recorder and flight data recorder specified at paragraph (3)(a) is required to be carried by or under this Order, the flight data recorder—

(a) must be capable of retaining—

(i) as protected data the data recorded during at least the last five hours of its operation or the maximum duration of the flight, whichever is the greater; and

(ii) additional data as unprotected data for a period which together with the period for which protected data is required to be retained amounts to a total of eight hours; and

(b) need not be capable of retaining the additional data specified in paragraph (a)(ii) if—

(i) other additional data is retained which relates to the period immediately preceding the period to which the required protected data relates or for such other period or periods as the CAA may permit under article 234(4)(b); and

(ii) the other additional data is retained in accordance with arrangements approved by the CAA.

(5) With the exception of flight data which it is expressly stated above may be unprotected, the cockpit voice recorder, flight data recorder or combined cockpit voice recorder and flight data recorder required to be carried on the helicopter or gyroplane must be so constructed and installed that the data recorded (in this Scale referred to as "protected data") would be likely to be preserved in the event of an accident.

(6) Each cockpit voice recorder, flight data recorder or combined cockpit voice recorder and flight data recorder required to be carried on the helicopter or gyroplane must have attached an automatically activated underwater sonar location device or an emergency locator radio transmitter.

(7) A helicopter or gyroplane is not required to carry the equipment specified in paragraphs (1) to (3) if, before take-off, the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the CAA.

(8) A vibration health monitoring system capable of monitoring the vibration of critical helicopter rotor and rotor drive system components.

Scale T

(1) An underwater sonar location device except for those helicopters or gyroplanes which are required to carry equipment in accordance with Scale SS.

Scale U

(1) One survival beacon radio apparatus.

(2) Marine type pyrotechnical distress signals.

(3) For each four or proportion of four persons on board, 100 grammes of glucose toffee tablets.

(4) For each four or proportion of four persons on board, ½ litre of fresh water in durable containers.

(5) First aid equipment.

Scale V

(1) One survival beacon radio apparatus.

(2) Marine type pyrotechnical distress signals.

(3) For each four or proportion of four persons on board, 100 grammes of glucose toffee tablets.

(4) For each four or proportion of four persons on board, ½ litre of fresh water in durable containers.

(5) First aid equipment.

(6) For every 75 or proportion of 75 persons on board, 1 stove suitable for use with aircraft fuel.

(7) One cooking utensil, in which snow or ice can be melted.

(8) Two snow shovels.

(9) Two ice saws.

(10) Single or multiple sleeping-bags, sufficient for the use of one-third of all persons on board.

(11) One arctic suit for each member of the crew of the aircraft.

Scale W

(1) Subject to paragraph (2), cosmic radiation detection equipment calibrated in millirems per hour and capable of indicating the action and alert levels of radiation dose rate.

(2) An aircraft is not required to carry the equipment if—

(a) before take-off the equipment is found to be unserviceable and it is not reasonably practicable to repair or replace it at the aerodrome of departure; and

(b) the radiation forecast available to the pilot in command of the aircraft indicates that hazardous radiation conditions are unlikely to be encountered by the aircraft on its intended route or any planned diversion from that route.

Scale X

(1) Subject to paragraph (3), a Terrain Awareness and Warning System known as Class A, being equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water, including excessive closure rate to terrain, flight into terrain when not in landing configuration, excessive downward deviation from an instrument landing system glideslope, a predictive terrain hazard warning function and a visual display.

(2) Subject to paragraph (3), a Terrain Awareness and Warning System known as Class B, being equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water, including a predictive terrain hazard warning function.

(3) If the equipment becomes unserviceable, the aircraft may fly or continue to fly until it first lands at a place at which it is reasonably practicable for the equipment to be repaired or replaced.

Scale Y

(1) If the aircraft may carry more than 19 and less than 100 passengers in accordance with its certificate of airworthiness, one portable battery-powered megaphone capable of conveying

instructions to all persons in the passenger compartment and readily available for use by a member of the crew.

(2) If the aircraft may carry more than 99 and less than 200 passengers in accordance with its certificate of airworthiness, two portable battery-powered megaphones together capable of conveying instructions to all persons in the passenger compartment and each readily available for use by a member of the crew.

(3) If the aircraft may carry more than 199 passengers in accordance with its certificate of airworthiness, three portable battery-powered megaphones together capable of conveying instructions to all persons in the passenger compartment and each readily available for use by a member of the crew.

(4) If the aircraft may carry more than 19 passengers in accordance with its certificate of airworthiness—

(a) a public address system; and

(b) an interphone system of communication between members of the flight crew and the cabin crew.

Scale Z

(1) An emergency lighting system to provide illumination in the passenger compartment sufficient to facilitate the evacuation of the aircraft notwithstanding the failure of the lighting systems specified in paragraph (2) of Scale G.

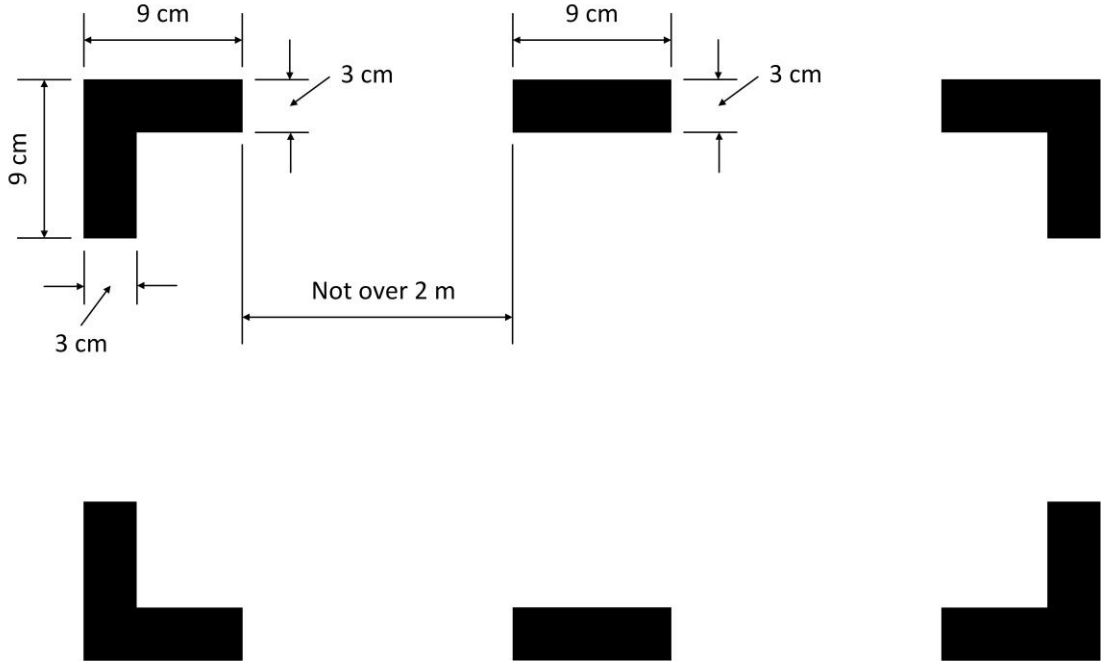
(2) An emergency lighting system to provide illumination outside the aircraft sufficient to facilitate the evacuation of the aircraft.

(3) Subject to paragraph (4), an emergency floor path lighting system in the passenger compartment sufficient to facilitate the evacuation of the aircraft notwithstanding the failure of the lighting systems specified in paragraph (2) of Scale G.

(4) If the equipment specified in paragraph (3) becomes unserviceable the aircraft may fly or continue to fly in accordance with arrangements approved by the CAA.

Marking of break-in areas

6.—(1) If areas of the aircraft's fuselage suitable for break-in by rescue crews in an emergency are marked, such areas must be marked in accordance with the following diagram.



(2) The colour of the markings must be red or yellow and, if necessary, must be outlined in white to contrast with the background.

(3) If the corner markings are more than 2 metres apart, intermediate lines measuring 9 centimetres by 3 centimetres must be inserted so that there is no more than 2 metres between adjacent markings.

PART 2

Radio communication and radio navigation equipment

1. Subject to paragraph 2, every aircraft which must carry equipment specified in this Schedule must be provided, when flying in the circumstances specified in the first column of the Table in paragraph 3 of this Schedule, with the scales of equipment respectively indicated in the second column of that Table.

2.—(1) In the case of sub-paragraphs (1), (2), (3), (4), (5), (6), (8)(d) and (9) of the Table in paragraph 3, the specified equipment need not be carried if the appropriate air traffic control unit permits flight to commence without that equipment and the aircraft complies with any instructions which the air traffic control unit may give in the particular case.

(2) If an aircraft is flying in a combination of circumstances specified in the first column of the Table in paragraph 3 the scales of equipment are not on that account required to be duplicated.

3. The Table is as follows—

Aircraft and Circumstances of Flight	*Scale of Equipment Required*								
	A	*B*	*C*	*D*	*E*	*F*	*G*	*H*	*J*
(1) All aircraft (other than gliders and SLMGs) within the United Kingdom—									
(a) flying under Instrument Flight Rules within controlled airspace	A				E2	F			
(b) flying within controlled airspace	A								
(c) making an approach to landing at an aerodrome notified for the purpose of this sub-paragraph							G		
(d) flying within Class A airspace, Class B airspace or Class C airspace					E2				
(2) All aircraft within the United Kingdom—									
(a) flying at or above flight level 195	A								
(b) flying within airspace notified for the purpose of this sub-paragraph	A								
(3) All aircraft (other than gliders, SLMGs and balloons) within the United Kingdom flying for the purpose of public transport					E2				
(4) All gliders and SLMGs within the United Kingdom—									
(a) flying at or above flight level 100 except when flying within airspace notified for the purposes of this sub-paragraph					E2				
(b) flying under Instrument Flight Rules within controlled airspace					E2				
(c) flying within Class A airspace, Class B airspace or Class C airspace, except when flying within airspace notified as a Temporary Reserved Area (Gliding)					E2				
(d) flying within airspace notified for the purposes					E2				

of this sub-paragraph								
(5) All aircraft (other than gliders and SLMGs) within the United Kingdom—								
(a) flying at or above flight level 245					E2	F		
(b) flying within airspace notified for the purpose of this sub-paragraph					E2			
(c) flying at or above flight level 100					E2			
(6) When flying under Instrument Flight Rules within airspace notified for the purposes of this paragraph—								
(a) all aeroplanes having a maximum take-off weight authorised of not more than 5,700kg and a maximum cruising true airspeed capability of not more than 250 knots					E2			
(b) all rotorcraft					E2			
(c) all aeroplanes having either a maximum take-off weight authorised of more than 5,700kg or a maximum cruising true airspeed capability of more than 250 knots					E3			
(7) All aircraft required to carry Scale E2 or E3					EE			
(9) All aircraft (other than gliders and SLMGs) registered in the United Kingdom, wherever they may be—								
(a) flying for the purpose of public transport under Instrument Flight Rules—								
(i) while making an approach to landing	A		C	D			H	
(ii) on all other occasions	A		C				H	
(b) multi-engined aircraft when flying for the purpose of public transport under Visual Flight Rules	A						H	
(c) single-engined aircraft when flying for the purpose of public transport under Visual Flight Rules—								
(i) over a route on which navigation is effected solely by visual reference to landmarks	A							
(ii) on all other occasions	A	B						
(d) flying under Instrument Flight Rules and not required to comply with paragraph (9)(a)	A							
(9) All aircraft (other than gliders, SLMGs and balloons) registered in the United Kingdom, wherever they may be when flying for the purpose of public transport					E2			
(10) All aeroplanes registered in the United Kingdom, wherever they may be, and all aeroplanes wherever registered when flying in the United Kingdom, powered by one or more turbine jets or turbine propeller engines and either having a maximum take-off weight of more than 15,000kg or with a maximum approved passenger seating configuration of more than 30								J
(11) All aeroplanes powered by one or more turbine jets or turbine propeller engines and either having a maximum take-off weight of more than 5,700kg or a maximum approved passenger seating configuration of more than 19; and which are—								

(a) registered in the United Kingdom and flying for the purpose of public transport; or	J
(b) registered in the United Kingdom and flying within the airspace of the member states of the European Civil Aviation Conference; or	J
(c) flying in the United Kingdom	J

4. The scales of radio communication and radio navigation equipment indicated in the Table at paragraph 3 are as follows—

Scale A

Radio communication equipment capable of maintaining direct two-way communication with the appropriate air traffic control units on the intended route using the frequencies notified or otherwise designated by the competent authority for that purpose.

Scale B

Radio navigation equipment capable of enabling the aircraft to be navigated on the intended route including such equipment as may be prescribed.

Scale C

Radio communication equipment capable of receiving from the appropriate aeronautical radio stations meteorological broadcasts relevant to the intended flight.

Scale D

Radio navigation equipment capable of receiving signals from one or more aeronautical radio stations on the surface to enable the aircraft to be guided to a point from which a visual landing can be made at the aerodrome at which the aircraft is to land.

Scale E2

Secondary surveillance radar equipment which includes a pressure altitude reporting transponder capable of operating in Mode A and Mode C and has the capability and functionality prescribed for Mode S Elementary Surveillance and is capable of being operated in accordance with such instructions as may be given to the aircraft by the air traffic control unit.

Scale E3

Secondary surveillance radar equipment which includes a pressure altitude reporting transponder capable of operating in Mode A and Mode C and has the capability and functionality prescribed for Mode S Enhanced Surveillance and is capable of being operated in accordance with such instructions as may be given to the aircraft by the air traffic control unit.

Scale EE

The aircraft must, in the circumstances specified in paragraph 2.1.5.3 of Volume IV (Fourth Edition July 2007) of Annex 10 to the Chicago Convention, comply with the requirements for antenna diversity set out in that paragraph.

Scale F

Radio communication and radio navigation equipment capable of enabling the aircraft to be navigated along the intended route including—

(a) automatic direction finding equipment;

(b) distance measuring equipment; and

(c) VHF omni-range equipment.

Scale G

Radio navigation equipment capable of enabling the aircraft to make an approach to landing using the Instrument Landing System.

Scale H

(1) Subject to paragraphs (2) and (3), radio navigation equipment capable of enabling the aircraft to be navigated on the intended route including—

(a) automatic direction finding equipment;

(b) distance measuring equipment;

(c) duplicated VHF omni-range equipment; and

(d) a 75 MHz marker beacon receiver.

(2) An aircraft may fly notwithstanding that it does not carry the equipment specified in this Scale if it carries alternative radio navigation equipment or navigational equipment approved in accordance with article 119(3).

(3) Where only one item of equipment specified in this Scale is unserviceable when the aircraft is about to begin a flight, the aircraft may nevertheless take off on that flight if—

(a) it is not reasonably practicable for the repair or replacement of that item to be carried out before the beginning of the flight;

(b) the aircraft has not made more than one flight since the item was last serviceable; and

(c) the pilot in command of the aircraft is satisfied that the flight can be made safely and in accordance with any relevant requirements of the appropriate air traffic control unit, taking into account the latest information available as to the route and aerodrome to be used (including any planned diversion) and the weather conditions likely to be encountered.

Scale J

An airborne collision avoidance system.

5. In this Part—

"Airborne collision avoidance system" means an aeroplane system which—

(a) conforms to requirements prescribed for the purpose;

(b) is based on secondary surveillance radar equipment transponder signals;

(c) operates independently of ground based equipment; and

(d) is designed to provide advice and appropriate avoidance manoeuvres to the pilot in relation to other aeroplanes which are equipped with secondary surveillance radar and are in undue proximity;

"Automatic direction finding equipment" means radio navigation equipment which automatically indicates the bearing of any radio station transmitting the signals received by such equipment;

"Distance measuring equipment" means radio equipment capable of providing a continuous indication of the aircraft's distance from the appropriate aeronautical radio stations;

"Mode A" means replying to an interrogation from secondary surveillance radar units on the surface to elicit transponder replies for identity and surveillance with identity provided in the form of a four digit identity code;

"Mode C" means replying to an interrogation from secondary surveillance radar units on the surface to elicit transponder replies for automatic pressure-altitude transmission and surveillance;

"Secondary surveillance radar equipment" means such type of radio equipment as may be notified as being capable of—

(a) replying to an interrogation from secondary surveillance radar units on the surface; and

(b) being operated in accordance with such instructions as may be given to the aircraft by the appropriate air traffic control unit;

"VHF omni-range equipment" means radio navigation equipment capable of giving visual indications of bearings of the aircraft by means of signals received from very high frequency omni-directional radio ranges.

SCHEDULE 7

Article 226

AIRCRAFT CONTINUING AIRWORTHINESS RECORDS

Aircraft continuing airworthiness records

1. Aircraft continuing airworthiness records must contain the current—

(a) status of airworthiness directives and measures mandated by the CAA in immediate reaction to a safety problem;

(b) status of modifications and repairs;

(c) status of compliance with maintenance programme;

(d) status of service life limited components;

(e) mass and balance report;

(f) certificate of release to service required by article 44 at the completion of any maintenance; and

(g) list of deferred maintenance.

Aircraft log book

2. The following entries must be included in the aircraft log book—

(a) the aircraft type;

(b) the aircraft registration mark;

(c) the date, together with the aircraft's accumulated total flight time, flight cycles and landings, as appropriate.

Engine, propeller and component logs

3. In addition to the authorised release document, EASA Form 1 or equivalent, the following information relevant to any engine, propeller, engine module or service life limited component must be entered in the appropriate engine or propeller logbook, engine module or service life limited component log card—

(a) identification of the component;

(b) the type, serial number and registration, as appropriate, of the aircraft, engine, propeller, engine module or service life limited component to which the particular component has been fitted, along with the reference to the installation and removal of the component;

(c) the date, together with the component's accumulated total flight time, and flight cycles, landings and calendar time, as appropriate; and

(d) the information in paragraph 1 applicable to the component.

Retention of records

4. The owner or operator of an aircraft must ensure that a system has been established to keep the records specified in column 1 of the table for the corresponding periods specified in column 2 of that table.

Column 1 - Record	*Column 2 - Period*
all detailed maintenance records in respect of the aircraft and any service life limited component fitted thereto	until such time as the information contained therein is superseded by new information equivalent in scope and detail but not less than 36 months after the aircraft or component has been released to service
the total time in service (hours, calendar time,	at least 12 months after the aircraft or

cycles and landings) of the aircraft and all service life limited components	component has been permanently withdrawn from service
the time in service (hours, calendar time, cycles and landings) as appropriate, since last scheduled maintenance of the component subjected to a service life limit	at least until the component scheduled maintenance has been superseded by another scheduled maintenance of equivalent work scope and detail
the current status of compliance with maintenance programme such that compliance with the aircraft maintenance programme can be established	at least until the aircraft or component scheduled maintenance has been superseded by other scheduled maintenance of equivalent work scope and detail
the current status of airworthiness directives issued pursuant to article 41(1)(a) applicable to the aircraft and components	at least 12 months after the aircraft or component has been permanently withdrawn from service
details of current modifications and repairs to the aircraft, engines, propellers and any other component vital to flight safety	at least 12 months after they have been permanently withdrawn from service

Operator's technical log

5.—(1) An operator's technical log must contain the following information for each aircraft—

(a) information about each flight, necessary to ensure continued flight safety;

(b) the current aircraft certificate of release to service;

(c) the current maintenance statement giving the aircraft maintenance status of what scheduled and out of phase maintenance is next due, except where the CAA has given permission for the maintenance statement being kept elsewhere;

(d) all outstanding deferred defects rectifications that affect the operation of the aircraft; and

(e) any necessary guidance instructions on maintenance support arrangements.

(2) An operator's arrangements for the technical log system, and any subsequent amendment, must be approved by the CAA.

(3) An operator must ensure that the aircraft technical log is retained for 36 months after the date of the last entry.

SCHEDULE 8

Articles 152 to 159

FLIGHT CREW OF AIRCRAFT – LICENCES, RATINGS, QUALIFICATIONS AND MAINTENANCE OF LICENCE PRIVILEGES

PART 1

Flight Crew Licences

CHAPTER 1

General conditions

Recent experience condition

1.—(1) In this Part, a reference to the "recent experience condition" in the privileges for aeroplane, helicopter and gyroplane licences is to the condition set out in this paragraph.

(2) The condition is that the holder of a licence must not operate an aircraft carrying passengers—

(a) as pilot in command or co-pilot unless the holder has carried out, in the preceding 90 days, at least three take-offs, approaches and landings as the sole manipulator of the controls of an aircraft of the same type or class or a full flight simulator representing that type or class; and

(b) as pilot in command at night unless the holder—

(i) has carried out in the preceding 90 days at least one take-off, approach and landing at night as the sole manipulator of the controls of an aircraft of the same type or class or a full flight simulator representing that type or class; or

(ii) holds an instrument rating.

Exception to the recent experience condition

2.—(1) In this Part, a reference to the "recent experience exception" in the privileges for aeroplane and helicopter private pilot's licences is to the condition set out in this paragraph.

(2) The condition is that—

(a) the intended flight will carry a single passenger who is also qualified to act as pilot in command on that flight; and

(b) the holder of the licence has informed the intended passenger that the holder does not meet the recent experience condition.

Excepted flights condition

3.—(1) In this Part, a reference to the "excepted flights condition" in the privileges for aeroplane, helicopter, gyroplane and balloon and airship private pilot's licences is to the condition set out in this paragraph.

(2) The condition is that the holder of a private pilot's licence may only fly on a public transport or commercial operations flight if it is a flight of the type mentioned in article 6(4a) of the EASA Air Operations Regulation.

Remuneration condition

4.—(1) In this Part, a reference to the "remuneration condition" in the privileges for aeroplane, helicopter, gyroplane and balloon and airship private pilot's licences is to the condition set out in this paragraph.

(2) The condition is that—

(a) in the case of—

(i) instruction, the holder's licence includes an appropriate instructor certificate;

(ii) flying examinations, the holder is authorised to conduct such examinations by the CAA; and

(b) remuneration or other valuable consideration is received for—

(i) the provision of flight instruction for the same type of licence;

(ii) the conduct of skill tests and proficiency checks for such a licence;

(iii) the training, testing and checking for the ratings or certificates attached to such a licence.

CHAPTER 2

United Kingdom Licences

SECTION 1

Aeroplane pilots

Private Pilot's Licence (Aeroplanes)

Minimum age:

17 years

Privileges:

(1) The holder of a Private Pilot's Licence (Aeroplanes) is entitled—

(a) in accordance with the remainder of this paragraph, to fly for the purposes of non-commercial operations as pilot in command or co-pilot of an aeroplane of any of the types or classes specified in an aircraft rating included in the licence, unless prohibited by paragraph (2);

(b) to fly such an aeroplane for the purpose of commercial operation—

(i) which consists of instruction or flying examinations, provided that—

(aa) in the case of instruction, the licence includes an appropriate instructor certificate; and

(bb) in the case of flying examinations, the holder is authorised to conduct such examinations by the CAA; or

(ii) where the excepted flights condition is met;

(c) to fly as pilot in command of such an aeroplane carrying passengers if—

(i) the recent experience condition is met; or

(ii) the recent experience exception is met;

(d) to fly as pilot in command of such an aeroplane under Instrument Flight Rules where the licence includes an instrument rating (aeroplane) or an instrument meteorological conditions rating (aeroplanes);

(e) to fly as pilot in command of such an aeroplane at night where the licence includes a night rating (aeroplanes);

(f) to receive remuneration or other valuable consideration for services as a pilot on a flight if the remuneration condition is met.

(2) The holder of a Private Pilot's Licence (Aeroplanes) may not fly an aeroplane mentioned in paragraph (1)(a)—

(a) for the purpose of public transport or commercial operation (other than commercial operation permitted by sub-paragraph (1)(b));

(b) for remuneration or other valuable consideration (other than remuneration or other valuable consideration permitted by sub-paragraph (1)(f)); or

(c) other than as authorised by paragraph (1),

unless authorised to do so by the CAA.

Commercial Pilot's Licence (Aeroplanes)

Minimum age:

18 years

Privileges:

(1) The holder of a Commercial Pilot's Licence (Aeroplanes) is entitled—

(a) to exercise the privileges of a United Kingdom Private Pilot's Licence (Aeroplanes) which includes an instrument meteorological conditions rating (aeroplanes) and a night rating (aeroplanes) or night qualification (aeroplane);

(b) in accordance with the remainder of this paragraph, to fly as pilot in command or co-pilot of an aeroplane of any of the types or classes specified in an aircraft rating included in the licence when the aircraft is flying for the purposes of—

(i) commercial operation; or

(ii) public transport operation,

unless prohibited by paragraph (2);

(c) to fly as pilot in command of such an aeroplane on a flight for the purpose of public transport until the age of 60 years only where it is certificated for single pilot operation;

(d) to fly such an aeroplane on any flight for the purpose of public transport after attaining the age of 60 years where the aeroplane is fitted with dual controls and carries a second pilot who holds an appropriate licence under this Order entitling the second pilot to act as pilot in command or co-pilot of that aeroplane;

(e) to fly as pilot in command or co-pilot of such an aeroplane flying in Class A airspace where the licence includes an instrument rating (aeroplane);

(f) to fly as pilot in command or co-pilot of an aeroplane carrying passengers for the purpose of public transport where the recent experience condition is met.

(2) The holder of a Commercial Pilot's Licence (Aeroplanes) may not fly an aeroplane mentioned in paragraph (1)(b)—

(a) at any time after attaining the age of 65 years as pilot in command or co-pilot for the purpose of public transport; or

(b) other than as authorised by paragraph (1),

unless authorised to do so by the CAA.

Airline Transport Pilot's Licence (Aeroplanes)

Minimum age:

21 years

Privileges:

The holder of an Airline Transport Pilot's Licence (Aeroplanes) is entitled to exercise the privileges of a United Kingdom Commercial Pilot's Licence (Aeroplanes) except that, in paragraph (1)(c) of the privileges of that licence, the words "where it is certificated for single pilot operation" do not apply.

SECTION 2

Helicopter and gyroplane pilots

Private Pilot's Licence (Helicopters)

Minimum age:

17 years

Privileges:

(1) The holder of a Private Pilot's Licence (Helicopters) is entitled—

(a) in accordance with the remainder of this paragraph, to fly as pilot in command or co-pilot of any helicopter of a type specified in an aircraft rating included in the licence, unless prohibited by paragraph (2);

(b) to fly such a helicopter for the purpose of commercial operation—

(i) which consists of instruction or flying examinations, provided that—

(aa) in the case of instruction, the licence includes an appropriate instructor certificate; and

(bb) in the case of flying examinations, the holder is authorised to conduct such examinations by the CAA; or

(ii) where the excepted flights condition is met;

(c) to fly as pilot in command of such a helicopter carrying passengers if—

(i) the recent experience condition is met; or

(ii) the recent experience exception is met;

(d) to fly as pilot in command or co-pilot of such a helicopter under Instrument Flight Rules where the licence includes an instrument rating (helicopter);

(e) to fly as pilot in command of such a helicopter at night if the licence includes a night rating (helicopters);

(f) to receive remuneration or other valuable consideration for services as a pilot on a flight if the remuneration condition is met.

(2) The holder of a Private Pilot's Licence (Helicopters) may not fly a helicopter mentioned in paragraph (1)(a)—

(a) for the purpose of public transport or commercial operation (other than commercial operation permitted by sub-paragraph (1)(b));

(b) for remuneration or other valuable consideration (other than remuneration or other valuable consideration permitted by sub-paragraph (1)(f)); or

(c) other than as authorised by paragraph (1),

unless authorised to do so by the CAA.

Commercial Pilot's Licence (Helicopters)

Minimum age:

18 years

Privileges:

(1) The holder of a Commercial Pilot's Licence (Helicopters) is entitled—

(a) to exercise the privileges of a United Kingdom Private Pilot's Licence (Helicopters) which includes a night rating (helicopters);

(b) in accordance with the remainder of this paragraph, to fly as pilot in command or co-pilot of a helicopter of any of the types or classes specified in an aircraft rating included in the licence when the aircraft is flying for the purposes of—

(i) commercial operation; or

(ii) public transport operation,

unless prohibited by paragraph (2);

(c) to fly as pilot in command of such a helicopter on a flight for the purpose of public transport until the age of 60 years only where it is certificated for single pilot operation;

(d) to fly such a helicopter for the purpose of public transport after attaining the age of 60 years where the helicopter is fitted with dual controls and carries a second pilot who holds an appropriate licence under this Order entitling the second pilot to act as pilot in command or co-pilot of that helicopter;

(e) to fly as pilot in command or co-pilot of such a helicopter under Instrument Flight Rules where the licence includes an instrument rating (helicopter);

(f) to fly as pilot in command or co-pilot of a helicopter carrying passengers for the purpose of public transport where the recent experience condition is met.

(2) The holder of a Commercial Pilot's Licence (Helicopters) may not fly a helicopter mentioned in paragraph (1)(b)—

(a) at any time after attaining the age of 65 years as pilot in command or co-pilot for the purpose of public transport; or

(b) other than as authorised by paragraph (1),

unless authorised to do so by the CAA.

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, in paragraph (1)(c) of the privileges of that licence, the words "only where it is certificated for single pilot operation" do not apply.

Private Pilot's Licence (Gyroplanes)

Minimum age:

17 years

Privileges:

(1) The holder of a Private Pilot's Licence (Gyroplanes) is entitled—

(a) in accordance with the remainder of this paragraph, to fly as pilot in command or co-pilot of any gyroplane of a type or a class specified in the aircraft rating included in the licence, unless prohibited by paragraph (2);

(b) to fly such a gyroplane for the purpose of commercial operation—

(i) which consists of instruction or flying examinations, provided that—

(aa) in the case of instruction, the licence includes an appropriate instructor certificate; and

(bb) in the case of flying examinations, the holder is authorised to conduct such examinations by the CAA; or

(ii) where the excepted flights condition is met;

(c) to fly as pilot in command of such a gyroplane carrying passengers if the recent experience condition is met;

(d) to fly as pilot in command of such a gyroplane at night if the licence includes a night rating (gyroplanes);

(e) to receive remuneration or other valuable consideration for services as a pilot on a flight if the remuneration condition is met.

(2) The holder of a Private Pilot's Licence (Gyroplanes) may not fly a gyroplane mentioned in paragraph (1)(a)—

(a) for the purpose of public transport or commercial operation (other than commercial operation permitted by sub-paragraph (1)(b));

(b) for remuneration or other valuable consideration (other than remuneration or other valuable consideration permitted by sub-paragraph (1)(e));

(c) under Instrument Flight Rules; or

(d) other than as authorised by paragraph (1),

unless authorised to do so by the CAA.

Commercial Pilot's Licence (Gyroplanes)

Minimum age:

18 years

Privileges:

(1) The holder of a Commercial Pilot's Licence (Gyroplanes) is entitled—

(a) to exercise the privileges of a United Kingdom Private Pilot's Licence (Gyroplanes) which includes a night rating (gyroplanes);

(b) in accordance with the remainder of this paragraph, to fly as pilot in command or co-pilot of a gyroplane of any of the types or classes specified in an aircraft rating included in the licence when the aircraft is flying for the purposes of—

(i) commercial operation; or

(ii) public transport operation,

unless prohibited by paragraph (2);

(c) to fly as pilot in command of such a gyroplane on a flight for the purpose of public transport until the age of 60 years only where it is certificated for single pilot operation;

(d) to fly such a gyroplane on any flight for the purpose of public transport after attaining the age of 60 years where the gyroplane is fitted with dual controls and carries a second pilot who holds an appropriate licence under this Order entitling the second pilot to act as pilot in command or co-pilot of that gyroplane;

(e) to fly as pilot in command of such a gyroplane carrying passengers if the recent experience condition is met.

(2) The holder of a Commercial Pilot's Licence (Gyroplanes) may not fly a gyroplane mentioned in paragraph (1)(b)—

(a) at any time after attaining the age of 65 years as pilot in command or co-pilot for the purpose of public transport;

(b) under Instrument Flight Rules; or

(c) other than as authorised by paragraph (1),

unless authorised to do so by the CAA.

Commercial Pilot's Licence (Helicopters and Gyroplanes)

Minimum age:

18 years

Privileges:

(1) The holder of a Commercial Pilot's Licence (Helicopters and Gyroplanes) is entitled—

(a) to exercise the privileges of a United Kingdom Private Pilot's Licence (Helicopters) which includes a night rating (helicopters) or a United Kingdom Private Pilot's Licence (Gyroplanes) which includes a night rating (gyroplanes);

(b) in accordance with the remainder of this paragraph, to exercise the privileges of a United Kingdom Commercial Pilot's Licence (Helicopters) and a United Kingdom Commercial Pilot's Licence (Gyroplanes), unless prohibited by paragraph (2);

(c) only where the holder has undertaken such training and passed such flight examinations as the CAA may require, to fly a gyroplane for the purposes of commercial operations or public transport.

(2) The holder of a Commercial Pilot's Licence (Helicopters and Gyroplanes) may not fly a helicopter or gyroplane mentioned in the licences referred to in paragraph (1)(b)—

(a) at any time after attaining the age of 65 years as pilot in command or co-pilot for the purpose of public transport; or

(b) other than as authorised by paragraph (1),

unless authorised to do so by the CAA.

Airline Transport Pilot's Licence (Helicopters and Gyroplanes)

Minimum age:

21 years

Privileges:

The holder of an Airline Transport Pilot's Licence (Helicopters and Gyroplanes) is entitled to exercise the privileges of a United Kingdom Commercial Pilot's Licence (Helicopters and Gyroplanes) except that in paragraph (1)(c) of the privileges of the United Kingdom Commercial Pilot's Licence (Helicopters) referred to in paragraph (1)(b) of that licence, the words "where it is certificated for single pilot operation" do not apply.

SECTION 3

Balloon and airship pilots

Private Pilot's Licence (Balloons and Airships)

Minimum age:

17 years

Privileges:

(1) The holder of a Private Pilot's Licence (Balloons and Airships) is entitled—

(a) in accordance with the remainder of this paragraph, to fly as pilot in command or co-pilot of any type of balloon or airship on which the holder is so qualified and which is specified in an aircraft rating in the licence, unless prohibited by paragraph (2);

(b) to fly such a balloon or airship for the purpose of commercial operation—

(i) which consists of instruction or flying examinations, provided that—

(aa) in the case of instruction, the licence includes an appropriate instructor certificate; and

(bb) in the case of flying examinations, the holder is authorised to conduct such examinations by the CAA; or

(ii) where the excepted flights condition is met;

(c) to fly as pilot in command of such a balloon or airship at night if the licence includes a night rating (balloons and airships);

(d) to receive remuneration or other valuable consideration for services as a pilot on a flight if the remuneration condition is met.

(2) The holder of a Private Pilot's Licence (Balloons and Airships) may not fly a balloon or airship mentioned in paragraph (1)(a)—

(a) for the purpose of public transport or commercial operation (other than commercial operation permitted by sub-paragraph (1)(c));

(b) for remuneration or other valuable consideration (other than remuneration or other valuable consideration permitted by sub-paragraph (1)(e)); or

(c) other than as authorised by paragraph (1),

unless authorised to do so by the CAA.

Commercial Pilot's Licence (Balloons)

Minimum age:

18 years

Privileges:

(1) The holder of a Commercial Pilot's Licence (Balloons) is entitled—

(a) to exercise the privileges of a United Kingdom Private Pilot's Licence (Balloons and Airships);

(b) in accordance with the remainder of this paragraph, to fly as pilot in command or co-pilot of any type of balloon specified in the aircraft rating included in the licence when the balloon is flying for the purpose of commercial operations, unless prohibited by paragraph (2);

(c) to fly as pilot in command of any type of balloon specified in the aircraft rating included in the licence for the purpose of the public transport of passengers where the holder has within the immediately preceding 90 days carried out as pilot in command in a free balloon at least three flights each of not less than five minutes duration.

(2) The holder of a Commercial Pilot's Licence (Balloons) may not fly a balloon mentioned in paragraph (1)(b) or (c) other than as authorised by paragraph (1) unless permitted to do so by the CAA.

Commercial Pilot's Licence (Airships)

Minimum age:

18 years

Privileges:

The holder of a Commercial Pilot's Licence (Airships) is entitled to fly as pilot in command or co-pilot of any type of airship on which the holder is so qualified and which is specified in an aircraft rating included in the licence when the airship is flying for any purpose whatsoever.

SECTION 4

Other flight crew

Flight Navigator's Licence

Minimum age:

21 years

Privileges:

The holder of a Flight Navigator's Licence is entitled to act as flight navigator in any non-EASA aircraft.

Flight Engineer's Licence

Minimum age:

21 years

Privileges:

The holder of a Flight Engineer's Licence is entitled to act as flight engineer in any type of non-EASA aircraft specified in an aircraft rating included in the licence.

Flight Radiotelephony Operator's Licence

Minimum age:

14 years

Privileges:

The holder of a Flight Radiotelephony Operator's Licence is entitled to operate radiotelephony apparatus in any aircraft if the stability of the frequency radiated by the transmitter is maintained automatically but is not entitled to operate the transmitter, or to adjust its frequency, except by the use of external switching devices.

CHAPTER 3

National Private Pilot's Licence

National Private Pilot's Licence (Aeroplanes)

Minimum age:

17 years

Privileges and conditions:

(1) The holder of a National Private Pilot's Licence (Aeroplanes) is entitled—

(a) in accordance with the remainder of this paragraph, to fly for the purposes of non-commercial operations as pilot in command of any SSEA, microlight aeroplane or SLMG for which a class rating is included in the licence provided that the total number of persons carried (including the pilot) does not exceed four, unless prohibited by paragraph (2);

(b) with the permission of the competent authority for the airspace in which the aircraft is being flown, to fly such a SSEA, microlight aeroplane or SLMG outside the United Kingdom;

(c) to fly such a microlight aeroplane or SLMG for the purpose of commercial operation—

(i) which consists of instruction or flying examinations, provided that—

(aa) in the case of instruction, the licence includes an appropriate instructor certificate; and

(bb) in the case of flying examinations, the holder is authorised to conduct such examinations by the CAA; or

(ii) where the excepted flights condition is met;

(d) to fly such a SSEA for the purpose of commercial operation where the excepted flights condition is met;

(e) to fly as pilot in command of such an SSEA, microlight aeroplane or SLMG carrying passengers if—

(i) the recent experience condition is met; or

(ii) the recent experience exception is met;

(f) to fly as pilot in command of any such SSEA or SLMG at night where the licence includes a night rating (aeroplanes);

(g) to receive remuneration or other valuable consideration for services as a pilot on a flight if the remuneration condition is met.

(2) The holder of a National Private Pilot's Licence (Aeroplanes) may not fly an SSEA, microlight aeroplane or SLMG mentioned in paragraph (1)(a)—

(a) for the purpose of public transport or commercial operation (other than commercial operation permitted by sub-paragraph (1)(c) or (d));

(b) for remuneration or other valuable consideration (other than remuneration or other valuable consideration permitted by sub-paragraph (1)(g));

(c) under Instrument Flight Rules; or

(d) other than as authorised by paragraph (1),

unless authorised to do so by the CAA.

National Private Pilot's Licence (Helicopters)

Minimum age:

17 years

Privileges and conditions:

(1) The holder of a National Private Pilot's Licence (Helicopters) is entitled—

(a) in accordance with the remainder of this paragraph, to fly for the purposes of non-commercial operations as pilot in command of a single-engine helicopter with a maximum take-off mass of 2,000 kg or less for which a class rating is included in the licence provided that the total number of persons carried (including the pilot) does not exceed four, unless prohibited by paragraph (2);

(b) with the permission of the competent authority for the airspace in which the aircraft is being flown, to fly such a helicopter outside the United Kingdom;

(c) to fly such a helicopter for the purpose of commercial operation where the excepted flights condition is met;

(d) to fly as pilot in command of such a helicopter carrying passengers if—

(i) the recent experience condition is met; or

(ii) the recent experience exception is met.

(2) The holder of a National Private Pilot's Licence (Helicopters) may not fly a helicopter mentioned in paragraph (1)(a)—

(a) for the purpose of public transport or commercial operation (other than commercial operation permitted by sub-paragraph (1)(c));

(b) for remuneration or other valuable consideration;

(c) under Instrument Flight Rules;

(d) at night; or

(e) other than as authorised by paragraph (1),

unless authorised to do so by the CAA.

PART 2

Ratings, certificates and qualifications

CHAPTER 1

Ratings, certificates and qualifications which may be included in United Kingdom licences but not in National Private Pilot's Licences

SECTION 1

Aircraft ratings

1. When included in a pilot licence an aircraft rating entitles the holder of the licence to act as pilot of aircraft of the types and classes specified in the aircraft rating and different types and classes of aircraft may be specified in respect of different privileges of a licence.

2. When included in a Flight Engineer's Licence an aircraft rating entitles the holder of the licence to act as flight engineer only of aircraft of a type specified in the aircraft rating.

SECTION 2

Other ratings

Instrument rating (aeroplane)

An instrument rating (aeroplane) entitles the holder of the licence to act as pilot in command or co-pilot of an aeroplane flying under the Instrument Flight Rules.

Instrument rating (helicopter)

An instrument rating (helicopter) entitles the holder of the licence to act as pilot in command or co-pilot of a helicopter flying under the Instrument Flight Rules.

Instrument meteorological conditions rating (aeroplanes)

An instrument meteorological conditions rating (aeroplanes) entitles the holder of the licence to act as pilot in command or co-pilot of an aeroplane flying under the Instrument Flight Rules except—

(a) in Class A airspace; or

(b) when the aeroplane is taking off or landing at any place if the flight visibility below cloud is less than 1,500 metres.

Night rating (helicopters)

A night rating (helicopters) entitles the holder of a United Kingdom Private Pilot's Licence (Helicopters) to act as pilot in command of a helicopter at night.

Night rating (gyroplanes)

A night rating (gyroplanes) entitles the holder of a United Kingdom Private Pilot's Licence (Gyroplanes) to act as pilot in command of a gyroplane at night.

Night rating (balloons and airships)

A night rating (balloons and airships) entitles the holder of a United Kingdom Private Pilot's Licence (Balloons and Airships) to act as pilot in command of a balloon or an airship at night.

SECTION 3

Instructor certificates

Flight instructor certificate (aeroplane)

A flight instructor certificate (aeroplane) entitles the holder of the licence to give instruction in flying aircraft of such types and classes as may be specified in the certificate for that purpose subject to the restrictions specified below.

Restrictions – restricted period

(1) Until the holder of a flight instructor certificate (aeroplane) has completed at least 100 hours flight instruction and, in addition, has supervised at least 25 solo flights by students, the privileges of the certificate are restricted.

(2) The restrictions will be removed from the certificate when the requirements specified in paragraph (1) have been met and on the recommendation of the supervising flight instructor (aeroplane).

Restrictions – restricted privileges

(1) The privileges are restricted to carrying out under the supervision of the holder of a flight instructor certificate (aeroplane) approved for this purpose—

(a) flight instruction for—

(i) the issue of a National Private Pilot's Licence (Aeroplanes) and a United Kingdom Private Pilot Licence (Aeroplanes); and

(ii) 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

(b) night flying instruction.

Flight instructor certificate (helicopter)

A flight instructor certificate (helicopter) entitles the holder of the licence to give instruction in flying helicopters of such types as may be specified in the certificate for that purpose subject to the restrictions specified below.

Restrictions – restricted period

(1) Until the holder of a flight instructor certificate (helicopter) has completed at least 100 hours flight instruction and, in addition, has supervised at least 25 solo flights by students, the privileges of the certificate are restricted.

(2) The restrictions will be removed from the certificate when the requirements specified in paragraph (1) have been met and on the recommendation of the supervising flight instructor (helicopter).

Restrictions – restricted privileges

(1) The privileges are restricted to carrying out under the supervision of the holder of a flight instructor certificate (helicopter) approved for this purpose—

(a) flight instruction for—

(i) the issue of a National Private Pilot's Licence (Helicopters) and a United Kingdom Private Pilot's Licence (Helicopters); and

(ii) 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

(b) night flying instruction, provided the holder has undergone such training as the CAA may require.

Flight instructor certificate (gyroplanes)

A flight instructor certificate (gyroplanes) entitles the holder of the licence to give instruction in flying gyroplanes of such types as may be specified in the rating for that purpose.

Flight instructor certificate (restricted) (gyroplanes)

A flight instructor certificate (restricted) (gyroplanes) entitles the holder of the licence to give instruction in flying gyroplanes of such types as may be specified in the rating for that purpose, but—

(a) such instruction must only be given—

(i) under the supervision of a person present during the take-off and landing at the aerodrome at which the instruction is to begin and end; and

(ii) who holds a pilot's licence endorsed with a flight instructor certificate entitling the holder to instruct on an aircraft of the same type or class as the aircraft on which instruction is being given;

(b) does not entitle the holder of the licence to give directions to a person undergoing instruction in respect of the performance of that person's first—

(i) solo flight;

(ii) solo flight by night;

(iii) solo cross-country flight otherwise than by night; or

(iv) solo cross-country flight by night.

Type rating instructor certificate (multi-pilot aeroplane)

A type rating instructor certificate (multi-pilot aeroplane) entitles the holder to instruct licence holders for the issue of a multi-pilot aeroplane type rating, including the instruction required for multi-crew co-operation.

Type rating instructor certificate (helicopter)

A type rating instructor certificate (helicopter) entitles the holder to instruct licence holders for the issue of a helicopter type rating, including the instruction required for multi-crew co-operation.

Class rating instructor certificate (single-pilot aeroplane)

A class rating instructor certificate (single-pilot aeroplane) entitles the holder to instruct licence holders for the issue of a type or class rating for single-pilot aeroplanes.

Instrument rating instructor certificate (aeroplane)

An instrument rating instructor certificate (aeroplane) entitles the holder to conduct flight instruction for the issue of an instrument rating (aeroplane) or an instrument meteorological conditions rating (aeroplanes).

Instrument rating instructor certificate (helicopter)

An instrument rating instructor certificate (helicopter) entitles the holder to conduct flight instruction for the issue of an instrument rating (helicopter) for a United Kingdom licence.

CHAPTER 2

Aircraft and instructor ratings and certificates which may be included in United Kingdom aeroplane pilot licences and in National Private Pilot's Licences (Aeroplanes)

Night rating (aeroplanes)

A night rating (aeroplanes) entitles the holder of a United Kingdom Private Pilot's Licence (Aeroplanes) or a National Private Pilot's Licence (Aeroplanes) to act as pilot in command of an aeroplane at night.

Microlight class rating

(1) Subject to paragraphs (2) to (6) and to the conditions of the licence in which it is included, a microlight class rating entitles the holder to act as pilot in command of any microlight aeroplane.

(2) If the current certificate of revalidation for the rating is endorsed "single seat only" the holder is only entitled to act as pilot in command of any single seat microlight aeroplane.

(3) If the aeroplane has—

(a) three axis controls and the holder's previous training and experience has only been in an aeroplane with flexwing or weightshift controls;

(b) flexwing or weightshift controls and the holder's previous training and experience has only been in an aeroplane with three axis controls; or

(c) more than one engine,

before exercising the privileges of the rating the holder must complete appropriate differences training.

(4) The differences training mentioned in paragraph (3) must be given by a flight instructor entitled to instruct on the aeroplane on which the training is being given, recorded in the holder's personal flying logbook and endorsed and signed by the instructor conducting the training.

(5) Where the aeroplane is to be operated from water during take-off and landing, before exercising the privileges of the rating the holder must—

(a) complete appropriate differences training; and

(b) attain a pass in the Private or Professional Seamanship examination.

(6) The differences training mentioned in paragraph (5) must be given by a flight instructor entitled to instruct on the aeroplane on which the training is being given, recorded in the holder's personal flying logbook and endorsed and signed by the instructor conducting the training.

SSEA class rating

(1) Subject to paragraphs (2) to (6) and to the conditions of the licence in which it is included, a SSEA class rating entitles the holder to act as pilot in command of any SSEA with a maximum take-off mass of not more than 2,000kg excluding any such aeroplane which is a SLMG or a microlight aeroplane.

(2) If the current certificate of revalidation for the rating is endorsed "single seat only" the holder is only entitled to act as pilot in command of a single seat SSEA.

(3) If the aeroplane—

(a) is fitted with a tricycle undercarriage;

(b) is fitted with a tailwheel;

(c) is fitted with a supercharger or turbo-charger;

(d) is fitted with a variable pitch propeller;

(e) is fitted with retractable landing gear;

(f) is fitted with a cabin pressurisation system; or

(g) has a maximum continuous cruising speed in excess of 140 knots indicated airspeed,

before exercising the privileges of the rating, the holder must complete appropriate differences training.

(4) The differences training mentioned in paragraph (3) must be given by a flight instructor entitled to instruct on the aeroplane on which the training is being given, recorded in the holder's personal flying logbook and endorsed and signed by the instructor conducting the training.

(5) If the aeroplane is to be operated from water during take-off and landing, before exercising the privileges of the rating the holder must—

(a) complete appropriate differences training; and

(b) attain a pass in the Private or Professional Seamanship examination.

(6) The differences training mentioned in paragraph (5) must be given by a flight instructor entitled to instruct on the aero-plane on which the training is being given, recorded in the holder's personal flying logbook and endorsed and signed by the instructor conducting the training.

SLMG class rating

(1) Subject to paragraph (2) and to the conditions of the licence in which it is included, a SLMG class rating entitles the holder to act as pilot in command of any SLMG.

(2) If the current certificate of revalidation for the rating is endorsed "single seat only" the holder is only entitled to act as pilot in command of a single seat SLMG.

Flight instructor's certificate (microlight)

A flight instructor's certificate (microlight) entitles the holder of the licence to give instruction in flying microlight aeroplanes with the same type of control system for which the holder's licence is endorsed with a flight instructor's certificate.

Flight instructor's certificate (restricted) (microlight)

(1) Subject to paragraphs (2) and (3), a flight instructor's certificate (restricted) (microlight) entitles the holder of the licence to give instruction in flying microlight aeroplanes with the same type of control system for which the holder's licence is endorsed with a flight instructor's certificate.

(2) Such instruction must only be given under the supervision of a person present during the take-off and landing at the aerodrome at which the instruction is to begin and end and holding a pilot's licence endorsed with a flight instructor's certificate entitling that person to instruct on a microlight aeroplane with the same type of control system on which instruction is being given.

(3) A flight instructor's certificate (restricted) (microlight) does not entitle the holder of the licence to authorise the person undergoing instruction to perform a first solo flight or first solo cross-country flight.

Flight instructor's certificate (SLMG)

A flight instructor's certificate (SLMG) entitles the holder of the licence to give instruction in flying SLMGs.

CHAPTER 3

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

Helicopter type rating

A helicopter type rating for a single engine helicopter with a maximum total weight authorised of 2,000kg or less may be included in a National Private Pilot's Licence (Helicopters) granted under Part 6.

PART 3

Maintenance of Licence Privileges

CHAPTER 1

Requirement for revalidation and renewal

Validity, revalidation and renewal of certificates and ratings

1.—(1) The ratings and certificates listed in column 1 of the following tables—

(a) have the validity listed in the corresponding entry in column 2;

(b) are revalidated in accordance with the corresponding entry in column 3; and

(c) are renewed in accordance with the corresponding entry in column 4.

(2) For the purposes of paragraph 1(1)(a)—

(a) ratings and certificates are valid from the date of issue until the end of the period specified in column 2 after the end of the month in which the rating or certificate was issued;

(b) as regards revalidation—

(i) in relation to any aeroplane rating mentioned in the first two entries of column 1 of Table 1, provided that the rating or certificate is revalidated in accordance with paragraph FCL.740.A.(b)(1) of Part-FCL; or

(ii) in relation to any other aircraft, provided that the rating or certificate is revalidated within the period of three months preceding the end of the period in paragraph (a),

the rating or certificate is valid from the end of the period in paragraph (a) for the period specified in column 2; and

(c) as regards renewal, the new rating or certificate is valid from the date of issue until the end of the period specified in column 2 after the end of the month in which the rating or certificate was renewed.

(3) For the purposes of paragraphs 1(1)(b) and (c), a reference in the following tables to—

(a) a paragraph of Part-FCL is a reference to the applicant needing to complete the requirements specified in that paragraph; and

(b) completing training or passing a proficiency check are references to the applicant needing to take the specified action.

Table 1

Ratings for Aeroplanes

Column 1 *Rating*	*Column 2* *Validity*	*Column 3* *Revalidation*	*Column 4* *Renewal*
Single-engine piston (SEP) class rating (land), TMG and SLMG rating	24 months	FCL.740.A (b)(1) and (4) of Part-FCL, provided a SEP aeroplane with three axis control system is used. Where both a SEP (land) and a TMG or SLMG rating are held, the requirements may be completed in either class and achieve revalidation of both ratings.	(a) complete such training as the CAA may require; and (b) pass the appropriate proficiency check in accordance with Appendix 9 to Part-FCL.
Single-engine piston (SEP) class rating (sea)	24 months	FCL.740.A (b)(1) and (4) of Part-FCL, provided a SEP aeroplane with three axis control system is used.	(a) complete such training as the CAA may require; and (b) pass the appropriate proficiency check in accordance with Appendix 9 to Part-FCL.
Single-engine turbo-prop (SET) aeroplanes class rating	24 months	FCL.740.A (b)(3) of Part-FCL.	(a) complete such training as the CAA may require; and (b) pass the appropriate proficiency check in accordance with Appendix 9 to Part-FCL.
Multi-engine piston (MEP) class rating	12 months	FCL.740.A (a) of Part-FCL.	(a) complete such training as the CAA may require; and (b) pass the appropriate proficiency check in accordance with Appendix 9 to Part-FCL.
Any type rating	12 months	FCL.740.A (a) of Part-FCL.	(a) complete such training as the CAA may require; and (b) pass the

			appropriate proficiency check in accordance with Appendix 9 to Part-FCL.

Table 2

Ratings for Helicopters

Column 1 *Rating*	*Column 2* *Validity*	*Column 3* *Revalidation*	*Column 4* *Renewal*
Any type rating	12 months	FCL 740.H (a) of Part-FCL.	(a) complete such training as the CAA may require; and (b) pass the appropriate proficiency check in accordance with Appendix 9 to Part-FCL.

Table 3

Ratings for Gyroplanes

Column 1 *Rating*	*Column 2* *Validity*	*Column 3* *Revalidation*	*Column 4* *Renewal*
Any single engine class rating	24 months	(a) 12 hours flight time in the relevant class within the 12 months preceding the expiry of the rating, including— (i) 6 hours as pilot in command; (ii) 12 take-offs and landings; and (iii) a one-hour flight with the holder of a Flight Instructor certificate (Gyroplanes); or (b) complete such proficiency check as the CAA may require.	Complete such training and pass such proficiency check as the CAA may require.

Table 4

Ratings for Private Pilot's Licence (Balloons and Airships)

Column 1 *Rating*	*Column 2* *Validity*	*Column 3* *Revalidation*	*Column 4* *Renewal*
Any rating	Valid provided that, within the 13 months preceding the date of the flight, the holder has flown as pilot in command of at least five flights, each of	None	(a) complete such flights in accordance with article 142 so as to meet the requirement in column 2; or (b) complete such

	not less than five minutes in duration, in any type of balloon or airship for which the holder is qualified.	training and pass such proficiency check as the CAA may require.

Table 5

Ratings for Commercial Pilot's Licence (Balloons)

Column 1 *Rating*	*Column 2* *Validity*	*Column 3* *Revalidation*	*Column 4* *Renewal*
Any rating, where used in connection with public transport	13 months	Pass such proficiency check as the CAA may require.	Complete such training and pass such proficiency check as the CAA may require.
Any rating, where used in connection with commercial operation	13 months	Have such flight experience as the CAA may require.	Complete such training and pass such proficiency check as the CAA may require.

Table 6

Ratings for Commercial Pilot's Licence (Airships)

Column 1 *Rating*	*Column 2* *Validity*	*Column 3* *Revalidation*	*Column 4* *Renewal*
Any rating	12 months	FCL.740.As (a) of Part-FCL.	(a) complete such training as the CAA may require; and (b) pass the appropriate proficiency check in accordance with Appendix 9 to Part-FCL.

Table 7

Ratings for Flight Engineers and Flight Navigator's Licence

Column 1 *Rating*	*Column 2* *Validity*	*Column 3* *Revalidation*	*Column 4* *Renewal*
Any rating for Flight Navigator's Licence	13 months	(a) complete the appropriate proficiency check; and (b) have such experience as the CAA may require.	Complete such training and pass such proficiency check as the CAA may require.
Flight engineer type rating	12 months	Pass such proficiency check as the CAA may require.	Complete such training and pass such proficiency check as the CAA may require.

Table 8

Instrument and instrument meteorological conditions (IMC) ratings

Column 1 *Rating*	*Column 2* *Validity*	*Column 3* *Revalidation*	*Column 4* *Renewal*
Instrument rating (aeroplane)	12 months	FCL.625.A of Part-FCL.	FCL.625 (c) and (d) of Part-FCL.
Instrument rating (helicopter)	12 months	FCL.625.H of Part-FCL.	FCL.625 (c) and (d) of Part-FCL.
Instrument meteorological conditions rating (aeroplanes)	25 months	Pass such proficiency check as the CAA may require.	Complete such training and pass such proficiency check as the CAA may require.

Table 9

Instructor certificates

Column 1 *Rating*	*Column 2* *Validity*	*Column 3* *Revalidation*	*Column 4* *Renewal*
Fight instructor certificate (aeroplanes)	36 months	FCL.940.FI (a) and (b) of Part-FCL.	FCL.940.FI (c) of Part-FCL.
Flight instructor certificate (helicopters)	36 months	FCL.940.FI (a) and (b) of Part-FCL.	FCL.940.FI (c) of Part-FCL.
Flight instructor certificate (gyroplanes)	36 months	Pass such proficiency check as the CAA may require.	Complete such training and pass such proficiency check as the CAA may require.
Type rating instructor certificate (multi-pilot aeroplane)	36 months	FCL.940.TRI (a) of Part-FCL.	FCL.940.TRI (b) of Part-FCL.
Type rating instructor certificate (helicopter)	36 months	FCL.940.TRI (a) of Part-FCL.	FCL.940.TRI (b) of Part-FCL.
Class rating instructor certificate (single-pilot aeroplane)	36 months	FCL.940.CRI (a) and (b) of Part-FCL.	FCL.940.CRI (c) of Part-FCL.
Instrument rating instructor certificate (aeroplane)	36 months	FCL.940.IRI of Part-FCL.	FCL.940.IRI of Part-FCL.
Instrument rating instructor certificate (helicopter)	36 months	FCL.940.IRI of Part-FCL.	FCL.940.IRI of Part-FCL.

Issue of certificate of revalidation

2. Except in the case of holders of a Private Pilot's Licence (Balloons and Airships), a certificate of revalidation must be issued where any of the requirements for revalidation or renewal in the tables in paragraph 1 have been met.

Form of certificate of revalidation

3. A certificate of revalidation must be signed by a person authorised by the CAA to sign certificates of this kind and certify—

(a) the functions to which the certificate relates;

(b) the date on which it was signed;

(c) that on the date on which the certificate was signed the relevant requirements for revalidation or renewal in the tables in paragraph 1 have been met;

(d) where the relevant requirements for revalidation or renewal in the tables in paragraph 1 involve—

(i) the gaining of experience, the type or types of aircraft in which the experience was gained;

(ii) the taking of a test or proficiency check, the type of aircraft or flight simulator in or by means of which the test was conducted.

CHAPTER 2

Requirement for a Certificate of Revalidation to maintain the validity of, or renew, a rating specified in Chapter 2 or 3 of Part 2

4.—(1) A certificate of revalidation required by article 157 for a SSEA class rating, a microlight class rating or a SLMG class 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 relevant requirements for issue in accordance with Table A and Table B;

(c) the specified date; and

(d) the date on which the period of validity of the certificate expires in accordance with sub-paragraph (3).

Table A – Requirements for issue of a certificate of revalidation for an aeroplane class rating included in Chapter 2 of Part 2

	Circumstances	*Requirements*
1	On initial issue by the CAA	The holder of the licence has passed a NPPL General Skill Test with the authorised examiner signing the licence application form in an aeroplane of the class for which the certificate of revalidation is sought
2	There is a current valid certificate of revalidation for the rating	The holder of the licence has— (a) passed a NPPL General Skill Test with the authorised examiner signing the certificate in an aeroplane of the class for which the certificate of revalidation is sought; or (b) produced their personal flying log book to the authorised person signing the certificate and satisfied the authorised person that the holder satisfied the experience requirements specified in Table B
3	The last previous certificate of revalidation for the rating expired less than five years before the date on which the new certificate is to be signed	The holder of the licence has passed a NPPL General Skill Test with the authorised examiner signing the certificate in an aeroplane of the class for which the certificate of revalidation is sought
4	The last previous certificate of revalidation for the rating expired five years or more before the date on which the new certificate is to be signed	The holder of the licence has passed— (a) a NPPL General Skill Test with the authorised examiner signing the certificate in an aeroplane of the class for which the certificate of revalidation is sought; and (b) an oral theoretical knowledge examination conducted by the authorised examiner as part

		of the NPPL General Skill Test

Table B – Experience requirements for issue of certificate of revalidation in accordance with paragraph 2(b) of Table A

	Circumstances	*Requirements*
1	Where one aeroplane class rating is held	(a) The holder has, as a pilot, in an aeroplane specified in the aeroplane class rating and within the period of validity of the current certificate of revalidation for the rating— (i) flown at least 12 hours which includes at least 8 hours as pilot in command; (ii) completed at least 12 take-offs and 12 landings; (iii) subject to sub-paragraph (b), undertaken at least one hour of flying training with an instructor entitled to give instruction on aeroplanes of that class; and (iv) flown at least six hours in the 12 months preceding the specified date. (b) If the holder has not undertaken the flying training specified in paragraph 1(a)(iii) a certificate of revalidation may be issued but must be endorsed "single seat only".
2	Where two or three aeroplane class ratings are held	(a) The holder has, as a pilot, within the period of validity of the current certificate of revalidation for each rating— (i) flown a total of at least 12 hours in an aeroplane coming within any of the aeroplane class ratings which are held which includes at least a total of eight hours as pilot in command; (ii) completed not less than 12 take-offs and 12 landings in an aeroplane coming within any of the aeroplane class ratings which are held; (iii) subject to sub-paragraph (b), in an aeroplane coming within each of the aeroplane class ratings which are to be revalidated, either— (aa) flown at least one hour as pilot in command; or (bb) undertaken at least one hour of flying training with an instructor entitled to give instruction on aeroplanes of that class; (iv) subject to sub-paragraph (b), undertaken at least one hour of flying training in aeroplanes coming within any of the aeroplane class ratings which are held, with instructors entitled to give instruction on aeroplanes of those classes; and (v) flown at least six hours in the 12 months preceding the specified date in an aeroplane coming within any of the

	aeroplane class ratings which are held. (b) If the holder has flown at least one hour as pilot in command as specified in paragraph 2(a)(iii)(aa) but has not undertaken the flying training specified in paragraph 2(a)(iv) a certificate of revalidation may be issued but must be endorsed "single seat only".

(2) In the case of a certificate of revalidation for a class rating which is being issued on the basis of paragraph 1(b) of Table B, so that the holder of the licence has satisfied the experience requirements but without having had a flight with an instructor as part of that experience, the person signing the certificate must endorse the certificate "single seat only".

(3) If the rating—

(a) has not expired, the new certificate is valid for 24 months from the end of the month which includes the expiry date of the existing certificate; and

(b) has expired, the new certificate is valid for 24 months in addition to the remainder of the month in which the date of test falls.

5.—(1) A certificate of revalidation required by article 157 for a flight instructor's certificate (SLMG), a flight instructor's certificate (microlight), or an flight instructor's certificate (restricted) (microlight) must be signed by a person authorised by the CAA to sign certificates of this kind and certify—

(a) the certificate to which the certificate of revalidation relates;

(b) that on a specified date the holder has passed an appropriate test of the holder's ability to exercise the privileges of the certificate;

(c) the specified date; and

(d) the date on which the period of validity of the certificate expires in accordance with sub-paragraph (2).

(2) If the rating—

(a) has not expired, the new certificate is valid for 36 months from the end of the month which includes the expiry date of the existing certificate; and

(b) has expired, the new certificate is valid for 36 months in addition to the remainder of the month in which the date of test falls.

6.—(1) A certificate of revalidation required by article 157 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 paragraphs 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 sub-paragraph (2).

(2) If the rating—

(a) has not expired, the new certificate is valid for 12 months from the end of the month which includes the expiry date of the existing certificate; and

(b) has expired, the new certificate is valid for 12 months in addition to the remainder of the month in which the date of test falls.

SCHEDULE 9 Articles 114(2) and (3), 116(5) and 117(4)

PUBLIC TRANSPORT – OPERATIONAL REQUIREMENTS

PART 1

Information and Instructions which must be included in an Operations Manual

1. Information and instructions relating to the following matters must be included in an operations manual—

(a) The number of the crew to be carried in the aircraft, on each stage of any route to be flown.

(b) The respective capacities in which the crew members are to act.

(c) Instructions as to the order and circumstances in which command is to be assumed by members of the crew.

(d) The respective duties of each member of the crew and the other members of the operating staff.

(e) The scheme referred to in article 175(1).

(f) Such technical detailed information concerning the aircraft, its engines and equipment and concerning the performance of the aircraft as may be necessary to enable the flight crew of the aircraft to perform their respective duties.

(g) The manner in which the quantities of fuel and oil to be carried by the aircraft are to be computed and records of fuel and oil carried and consumed on each stage of the route to be flown are to be maintained (and the instructions must take account of all circumstances likely to be encountered on the flight, including the possibility of failure of one or more of the aircraft engines).

(h) The manner in which the quantity, if any, of oxygen and oxygen equipment to be carried in the aircraft for the purpose of complying with Scale L1 or L2 in Part 1 of Schedule 6 is to be computed.

(i) The check system to be followed by the crew of the aircraft before and on take-off, on landing and in an emergency, so as to ensure that the operating procedures contained in the operations manual and in the flight manual or performance schedule for the aircraft are complied with.

(j) The circumstances in which a radio watch is to be maintained.

(k) The circumstances in which oxygen is to be used by the crew of the aircraft, and by passengers.

(l) Subject to paragraph 2, communication, navigational aids, aerodromes, local regulations, in-flight procedures, approach and landing procedures and such other information as the operator considers necessary for the proper conduct of flight operations (which must be contained in a route guide, which may be in the form of a separate volume).

(m) The reporting in flight to the notified authorities of meteorological observations.

(n) Subject to paragraph 2, the minimum altitudes for safe flight on each stages of the route to be flown (which must not be lower than any which may be applicable under the law of the United Kingdom or of the countries whose territory is to be flown over) and any planned diversion from that route.

(o) The required information referred to in article 131(2).

(p) Emergency flight procedures, including procedures for the instruction of passengers in the position and use of emergency equipment and procedures to be adopted when the pilot in command of the aircraft becomes aware that another aircraft or a vessel is in distress and needs assistance.

(q) In the case of aircraft intended to fly at an altitude of more than 49,000 feet the procedures for the use of cosmic radiation detection equipment.

(r) The labelling and marking of dangerous goods, the manner in which the dangerous goods must be loaded on or suspended beneath an aircraft, the responsibilities of members of the crew for the carriage of dangerous goods and the action to be taken in the event of emergencies arising involving dangerous goods.

(s) Such detailed information about any permission granted to the operator under article 78(3) as may be necessary to enable the pilot in command of the aircraft to determine whether article 69(8)(b) can be complied with.

(t) Procedures for the operation of any airborne collision avoidance system carried on the aircraft.

(u) The establishment and maintenance of an accident prevention and flight safety programme.

(v) In the case of a helicopter, the maximum approved passenger seating configuration.

2. In relation to any flight which is not one of a series of flights between the same two places and to the extent that it is not practicable to comply with sub-paragraphs 1(l) and 1(n), it is sufficient if the manual contains such information and instructions as will enable the equivalent data to be ascertained before take-off.

PART 2

Information and Instructions which must be included in a Training Manual

1. The following information and instructions must be included in a training manual—

(a) The manner in which the training, practice and periodical tests required under article 114(2) and specified in Part 3 of this Schedule are to be carried out.

(b) The minimum qualifications and experience which an operator requires of persons appointed by the operator to give or to supervise the training, practice and periodical tests.

(c) The type of training, practice and periodical tests which each such person is appointed to give or to supervise.

(d) The type of aircraft for which each such person is appointed to give or to supervise the said training, practice and periodical tests.

(e) The minimum qualifications and experience required for each member of the crew undergoing the required training, practice and periodical tests.

(f) The current syllabus for, and specimen forms for recording, the required training, practice and periodical tests.

(g) The manner in which instrument flight conditions and engine failure are to be simulated in the aircraft in flight.

(h) The extent to which the required training and testing is permitted in the course of flights for the purpose of public transport.

(i) The use to be made in the required training and testing of apparatus approved for the purpose by the CAA.

PART 3

Required Crew Training, Experience, Practice and Periodical Tests

Crew

1.—(1) The training, experience, practice and periodical tests required under article 114(2) for members of the crew of an aircraft to which that paragraph applies must be as follows.

(2) Every member of the crew must have—

(a) been tested by or on behalf of the operator as to the crew member's knowledge of the use of the emergency and life saving equipment required to be carried in the aircraft on the flight and have a valid test result;

(b) practised under the supervision of the operator or of a person appointed by the operator for the purpose, within the test validity period, the carrying out of the duties required of the crew member in case of an emergency occurring to the aircraft—

(i) in an aircraft of the type to be used on the flight; or

(ii) in apparatus approved by the CAA for the purpose and controlled by a person so approved by the CAA.

Pilots

2.—(1) Every pilot included in the flight crew who is intended by the operator to fly as pilot in circumstances requiring compliance with the Instrument Flight Rules must have been tested by or on behalf of the operator—

(a) as to the pilot's competence to perform the pilot's duties while executing normal manoeuvres and procedures in flight; and

(b) as to the pilot's competence to perform the pilot's duties in instrument flight conditions while executing emergency manoeuvres and procedures in flight,

in each case in an aircraft of the type to be used on the flight and including the use of the instruments and equipment provided in the aircraft, and have a valid test result.

(2) A pilot's ability to execute normal manoeuvres and procedures must be tested in the aircraft in flight.

(3) The other tests required by sub-paragraph (1) may be conducted either in the aircraft in flight, or under the supervision of a person approved by the CAA for the purpose by means of a flight simulator approved by the CAA.

(4) The tests specified in sub-paragraph (1)(b) when conducted in the aircraft in flight must be carried out either in actual instrument flight conditions or in instrument flight conditions simulated by means approved by the CAA.

(5) Every pilot included in the flight crew whose licence does not include an instrument rating or who is not intended by the operator to fly in circumstances requiring compliance with the Instrument Flight Rules, even though the licence includes such a rating, must have been tested by or on behalf of the operator in flight in an aircraft of the type to be used on the flight—

(a) as to the pilot's competence to act as pilot of that aircraft, while executing normal manoeuvres and procedures; and

(b) as to the pilot's competence to act as pilot of that aircraft while executing emergency manoeuvres and procedures,

and have a valid test result.

(6) In relation to every pilot included in the flight crew who is seated at the flying controls during the take-off or landing and who is intended by the operator to fly as pilot in circumstances requiring compliance with the Instrument Flight Rules—

(a) the pilot must have been tested as to the pilot's proficiency in using instrument approach-to-land systems of the type in use at the aerodrome of intended landing and any destination alternate aerodromes and have a valid test result; and

(b) the test required by sub-paragraph (a) must have been carried out—

(i) in flight in instrument flight conditions; or

(ii) in instrument flight conditions simulated by means approved by the CAA; or

(iii) under the supervision of a person approved by the CAA for the purpose by means of a flight simulator approved by the CAA.

(7) In the case of a helicopter, every pilot included in the flight crew whose licence does not include an instrument rating but who is intended to fly at night under visual flight conditions, must have been tested by or on behalf of the operator, in a helicopter of the type to be used on the flight, as to the pilot's competence to act as pilot of that helicopter—

(a) while executing normal manoeuvres and procedures; and

(b) while executing specified manoeuvres and procedures in flight in instrument flight conditions simulated by means approved by the CAA,

and have a valid test result.

(8) Every pilot included in the flight crew and who is seated at the flying controls during take-off or landing must have carried out within the test validity period, at least three take-offs and three landings in aircraft of the type to be used on the flight when seated at the flying controls.

Flight engineers

3.—(1) Every flight engineer included in the flight crew must have been tested by or on behalf of the operator—

(a) as to the engineer's competence to perform the engineer's duties while executing normal procedures in flight, in an aircraft of the type to be used on the flight; and

(b) as to the engineer's competence to perform the engineer's duties while executing emergency procedures in flight, in an aircraft of the type to be used on the flight,

and have a valid test result.

(2) A flight engineer's ability to carry out normal procedures must be tested in an aircraft in flight and the other tests required by this paragraph may be conducted—

(a) in the aircraft in flight; or

(b) under the supervision of a person approved by the CAA for the purpose by means of a flight simulator approved by the CAA.

Flight radiotelephony operators and flight navigators

4. Every flight radiotelephony operator and flight navigator whose inclusion in the flight crew is required under article 111(1)(a) must have been tested by or on behalf of the operator as to their competence to perform their duties in conditions corresponding to those likely to be encountered on the flight—

(a) in the case of a flight radiotelephony operator using radio equipment of the type installed in the aircraft to be used on the flight, and including a test of the operator's ability to carry out emergency procedures; and

(b) in the case of a flight navigator, using equipment of the type to be used in the aircraft on the flight for purposes of navigation,

and have a valid test result.

Pilot in Command of Aircraft

5.—(1) The pilot designated as pilot in command of the aircraft for the flight must have demonstrated to the satisfaction of the operator within the test validity period that the pilot has adequate knowledge of the route to be taken, the aerodromes of take-off and landing, and any destination alternate aerodromes, including in particular the pilot's knowledge of the following which are relevant to the route—

(a) the terrain;

(b) the seasonal meteorological conditions;

(c) the meteorological, communications and air traffic facilities, services and procedures;

(d) the search and rescue procedures; and

(e) the navigational facilities.

(2) In determining whether a pilot's knowledge of the matters referred to in sub-paragraph (1) is sufficient to render the pilot competent to perform the duties of pilot in command on the flight, the operator must take into account the pilot's flying experience in conjunction with the following—

(a) the experience of other members of the intended flight crew;

(b) the influence of terrain and obstructions on departure and approach procedures at the aerodromes of take-off and intended landing and at destination alternate aerodromes;

(c) the similarity of the instrument approach procedures and let-down aids to those with which the pilot is familiar;

(d) the dimensions of runways which may be used in the course of the flight in relation to the performance limits of aircraft of the type to be used on the flight;

(e) the reliability of meteorological forecasts and the probability of difficult meteorological conditions in the areas to be traversed;

(f) the adequacy of the information available regarding the aerodrome of intended landing and any destination alternate aerodromes;

(g) the nature of air traffic control procedures and the familiarity of the pilot with such procedures;

(h) the influence of terrain on route conditions and the extent of the assistance obtainable en-route from navigational aids and air-to-ground communication facilities; and

(i) the extent to which it is possible for the pilot to become familiar with unusual aerodrome procedures and features of the route by means of ground instruction and training devices.

Deemed compliance

6.—(1) For the purposes of paragraph 2(1), 2(5) or 3(1) a pilot or flight engineer is deemed to have complied with the specified requirements in paragraphs 2(1)(b), 2(5)(b) or 3(1)(b) within the test validity period if—

(a) they have qualified in accordance with the specified requirements on at least two occasions within the period of 13 months immediately preceding the flight; and

(b) such occasions are separated by an interval of not less than four months.

(2) For the purposes of paragraph 5(1) a pilot is deemed to have complied with the specified requirements if, having become qualified to act as pilot in command on flights between the same places over the same route more than 13 months before commencement of the flight, the pilot has within the period of 13 months immediately preceding the flight flown as pilot of an aircraft between those places over that route.

Contents of records

7. The records required to be maintained by an operator under article 114(3) must be accurate and up-to-date records kept so as to show, on any date, in relation to each person who has during

the period of two years immediately preceding that date flown as a member of the crew of any public transport aircraft operated by that operator—

(a) the date and detailed information about each test required by this Part and undergone by that person during the period, including the name and qualifications of the examiner;

(b) the date on which that person last practised the carrying out of duties referred to in paragraph 1(2);

(c) the operator's conclusions, based on each such test and practice as to that person's competence to perform that person's duties; and

(d) the date and detailed information about any decision taken by the operator during the period in accordance with paragraph 5(1), including detailed information about the evidence on which that decision was based.

Production of records to authorised person

8. The operator must, whenever called on to do so by any authorised person—

(a) produce for the inspection of any such person all records referred to in paragraph 7;

(b) supply to any such person all such information that person may require in connection with any such records; and

(c) produce for inspection by any such person all log books, certificates, papers and other documents, whatsoever which may reasonably be required to be seen for the purpose of determining whether such records are complete or of verifying the accuracy of their contents.

Supply of records to crew member

9. At the request of any person for whom the operator is required to keep records under this Part, the operator must supply to that person, or to any other operator of aircraft for the purpose of commercial or public transport by whom that person may subsequently be employed, detailed information about any qualifications in accordance with this Schedule obtained by such person whilst in the operator's service.

Definitions and validity periods

10. For the purposes of this Part—

(a) "visual flight conditions" means weather conditions such that the pilot is able to fly by visual reference to objects outside the aircraft;

(b) "instrument flight conditions" means weather conditions such that the pilot is unable to fly by visual reference to objects outside the aircraft;

(c) a "valid test result" is a test result—

(i) where the person tested met the minimum standard set in relation to the test; and

(ii) the test validity period has not expired in relation to that test;

(d) "test validity period", subject to paragraph 6, means a period commencing with the date of test and ending—

(i) in the case of paragraph 2(8), three months;

(ii) in the case of paragraphs 2(1)(b), 2(5)(b), 2(6)(a), 2(7)(b) and 3(1)(b), six months; and

(iii) in the case of paragraphs 1, 2(1)(a), 2(5)(a), 2(7)(a), 3(1)(a), 4 and 5(1), 13 months,

after the end of the month in which the test was taken.

SCHEDULE 10

Articles 229(2) and 235(3)

DOCUMENTS TO BE CARRIED

Circumstances in which documents are to be carried

1. Subject to paragraph 3, the following documents must be carried—

(a) on a public transport flight—

(i) Document A;

(ii) Document B;

(iii) Document C;

(iv) Document D;

(v) Document E;

(vi) Document F;

(vii) Document H; and

(viii) if the flight is international air navigation, Document G and Document I;

(b) on a non-commercial flight or commercial operation flight which is international air navigation—

(i) Document A;

(ii) Document B;

(iii) Document C;

(iv) Document E;

(v) Document F;

(vi) Document G; and

(vii) Document I;

(c) on a flight made in accordance with the terms of a permission granted to the operator under article 78(3), Document J.

Description of documents

2. For the purposes of this Schedule—

"Document A" means the licence in force under the Wireless Telegraphy Act 2006(**a**) for the aircraft radio station installed in the aircraft;

"Document B" means, in the case of a non-EASA aircraft, the national certificate of airworthiness in force for the aircraft;

"Document C" means the licences of the members of the flight crew of the aircraft;

"Document D" means one copy of the load sheet, if any, required by article 124 for the flight;

"Document E" means one copy of each national airworthiness review certificate required by article 49, if any, in force for the aircraft;

"Document F" means the technical log or approved record, if any, in which entries are required to be made under article 227;

"Document G" means the certificate of registration in force for the aircraft;

"Document H" means those parts of the operations manual, if any, required by article 116(4)(c) to be carried on the flight;

(**a**) 2006 c.36.

"Document I" means a copy of the notified procedures to be followed by the pilot in command of an intercepted aircraft, and the notified visual signals for use by intercepting and intercepted aircraft;

"Document J" means the permission, if any, granted for the aircraft under article 78(3).

Exceptions

3.—(1) If the certificate of airworthiness includes the flight manual for the aircraft, and with the permission of the CAA, an aircraft to which article 116 applies need not carry the flight manual as part of Document B.

(2) With the permission of the CAA, an aircraft to which article 116 applies need not carry Document J if it carries an operations manual which includes the detailed information specified at paragraph 1(s) of Part 1 of Schedule 9.

(3) If a flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than the United Kingdom, Document F may be kept at that aerodrome instead of being carried in the aircraft.

SCHEDULE 11

Article 206

AIR TRAFFIC SERVICE EQUIPMENT – RECORDS REQUIRED AND MATTERS TO WHICH THE CAA MAY HAVE REGARD

PART 1

Records to be kept in accordance with Article 206(1)(a)

1. A record of any functional tests, flight checks and detailed information about any maintenance, repair, overhaul, replacement or modification.

2. Subject to paragraph 3, the record must be kept in a legible or a non-legible form. If the record is kept in a non-legible form it must be capable of being reproduced in a legible form and it must be so reproduced by the person required to keep the record if requested by an authorised person.

3. In any particular case the CAA may direct that the record is kept or be capable of being reproduced in such a form as it may specify.

PART 2

Records required in accordance with Article 206(5)(b)

1. Each record made by the apparatus provided in compliance with article 206(2) or (3) must be adequately identified and in particular must include—

(a) the identification of the aeronautical radio station;

(b) the date or dates on which the record was made;

(c) a means of determining the time at which each message or signal was transmitted or received;

(d) the identity of the aircraft to or from which and the radio frequency on which the message or signal was transmitted or received; and

(e) the time at which the record started and finished.

PART 3

Matters to which the CAA may have regard in granting an approval if apparatus in accordance with Article 206(6)

1. The purpose for which the apparatus is to be used.

2. The manner in which the apparatus has been specified and produced in relation to the purpose for which it is to be used.

3. The adequacy, in relation to the purpose for which the apparatus is to be used, of the operating parameters of the apparatus (if any).

4. The manner in which the apparatus has been or will be operated, installed, modified, maintained, repaired and overhauled.

5. The manner in which the apparatus has been or will be inspected.

SCHEDULE 12

Article 212(9)

INFORMATION AND INSTRUCTIONS WHICH MUST BE INCLUDED IN AN AERODROME MANUAL

1. The name and status of the accountable manager having corporate authority for ensuring that all operations activities can be financed and carried out to the standard required.

2. The names and status of other senior aerodrome operating staff and instructions as to the order and circumstances in which they may be required to act.

3. Details of the safety management system.

4. The system of aeronautical information service available.

5. Procedures for promulgating information concerning the aerodrome's state.

6. Procedures for the control of access, vehicles and work in relation to the aerodrome manoeuvring area and apron.

7. Procedures for the removal of disabled aircraft.

8. In the case of an aerodrome which has facilities for fuel storage, procedures for complying with article 220.

9.—(1) Subject to sub-paragraph (2), plans to an appropriate scale which clearly depict the layout of runways, taxiways and aprons, aerodrome markings, aerodrome lighting if such lighting is provided, and the siting of any navigational aids within the runway strip.

(2) In the case of copies or extracts of the manual provided or made available to a member of the aerodrome operating staff, the plans must be of a scale reasonably appropriate for the purposes of article 212(9).

10. For an aerodrome in relation to which there is a notified instrument approach procedure, survey information sufficient to provide data for the production of aeronautical charts relating to that aerodrome.

11. Description, height and location of obstacles which infringe standard obstacle limitation surfaces, and whether they are lit.

12. Data for and method of calculation of declared distances and elevations at the beginning and end of each declared distance.

13. Method of calculating reduced declared distances and the procedure for their promulgation.

14. Details of surfaces and bearing strengths of runways, taxiways and aprons.

15. The system of the management of air traffic in the airspace associated with the aerodrome, including procedures for the co-ordination of traffic with adjacent aerodromes, except any such information or procedures already published in any manual of air traffic services.

16. Operational procedures for the routine and special inspection of the aerodrome manoeuvring area and aprons.

17. If operations are permitted during periods of low visibility, procedures for the protection of the runways during such periods.

18. Procedures for the safe integration of all aviation activities undertaken at the aerodrome.

19. Details of or reference to the bird control management plan.

20. Procedures for the use and inspection of the aeronautical ground lighting system, if such a system is provided.

21. The scale of rescue, first aid and fire service facilities, the aerodrome emergency procedures and procedures to be adopted in the event of temporary depletion of the rescue and fire service facilities.

SCHEDULE 13

Article 265

PENALTIES

PART 1

Provisions Referred to in Article 265(5)

CHAPTER 1

Article of Order	*Subject matter*
26(3)	Unqualified person not to cause or permit aircraft to be used for commercial air transport, public transport or commercial operation
28(1)	Registered owner to inform the CAA of specified events
28(2)	Person who becomes the owner of aircraft registered in the United Kingdom must inform the CAA
42(1)(b)(ii)	Requirement to fly by day and in accordance with Visual Flight Rules
42(2)	Requirement for placard
70(1)(a)	Pilot to be secured in seat
70(4)	Operator not to permit helicopter rotor to be turned unless pilot at controls
113(1) and (2)	Requirements for accident prevention and flight safety programme
118(2)	Requirement to wear a survival suit
124(1)	Person supervising loading to prepare and sign load sheet and submit it for examination by pilot in command
124(2)	Carriage and preservation of load sheet
125(1)	Carriage of baggage
171	Minimum age for glider pilot
193	Not to act as air traffic controller or student air traffic controller where exam etc failed

196	Certification of training organisations
197	Requirement for certified training organisation to produce records
202	Unauthorised operation of aeronautical radio station
205(3)	Requirement to notify aeronautical radio station service
206(1)	Requirement to keep air traffic service equipment records
206(4)	Capability of recording apparatus
206(5)	Operation of recording apparatus
206(8) and (9)	Requirements where apparatus ceases to be capable of recording or becomes unserviceable
206(10) to (12)	Air traffic service equipment records
212(5)	Requirement to supply information
214(4)	Requirement for holder of public use licence to notify
215	Requirement for holder of public use licence to supply information to Secretary of State
216	Requirement to make air navigation facilities available
217(3)	Obstruction of or interference with aerodrome firefighter
226(6)	Preservation of airworthiness records
227(8)	Carriage and keeping of technical log or approved record
227(10)	Preservation of technical log or approved record
228	Requirement to keep personal flying log book
229(1), (2) and (4)	Documents to be carried
235(1), (2), (4) and (5)	Production of documents and records
236	Production of air traffic service equipment documents and records
238	Preservation of documents
249(5)	Requirement to inform CAA of departure from SERA or Rules of the Air
251(1)	Filing and approval of tariffs
253(3)	Requirement to surrender document to CAA

CHAPTER 2

Provision of Part 21, Part M, Part 145, Part 66 or Part 147	*Subject matter*
21A.61	Instructions for the continued airworthiness by the holder of type certificate or restricted type certificate
21A.107	Variations to instructions for continued airworthiness by the holder of a minor change approval to type design
21A.120	Instructions for continued airworthiness by supplemental type certificate holder
21A.130	Requirement for statement of conformity
21A.147	Approval of changes to the approved production organisation
21A.180	Inspections to be permitted by holder of airworthiness certificate
21A.439	Production of repair parts
21A.441	Repair embodiment
21A.449	Instructions for continued airworthiness by holder of repair design approval
21A.721	Inspections to be allowed by holder of, or applicant for, a permit to fly
21A.729	Record keeping by the holder of the approval of the flight conditions
21A.805	Identification of critical parts

M.A.307	Transfer of aircraft continuing airworthiness records
M.A.401	Use of current maintenance data
M.A.402	Performance of maintenance
M.A.501	Installation of components
M.A.502	Component maintenance
M.A.504 (b),(c) and (d)	Control of unserviceable components
M.A.611	Maintenance standards
M.A.614	Maintenance records to be kept by approved maintenance organisation
M.A.617	Notification of changes to the approved maintenance organisation
M.A.713	Notification of changes to the approved continuing airworthiness organisation
M.A.714	Record keeping by continuing airworthiness management organisation
M.A.902(c)	Airworthiness review certificate to be returned
145.A.85	Notification of changes to the organisation
147.A.110	Records of instructors, examiners and assessors
147.A.125	Records
147.A.150	Notification of changes to the maintenance training organisation

CHAPTER 3

Provision of EU-OPS	*Subject matter*
1.335	Smoking on board
1.340	Meteorological conditions
1.345(b)	Pilot in command not to take off unless external surfaces are clear
1.350	Fuel and oil supply
1.355	Take-off conditions
1.385	Use of supplemental oxygen
1.400	Approach and landing conditions
1.405(a), (d) and (e)	Commencement and continuation of approach
1.415	Requirement for journey log
1.455	Low visibility operations – operating procedures
1.460	Low visibility operations – minimum equipment
1.1135	Flight duty, duty and rest period records

CHAPTER 4

Provision of Part-FCL	*Subject matter*
ORA.GEN.130	Changes to organisations
ORA.ATO.120	Record keeping

CHAPTER 5

Provision of EASA Air Operations Regulation	*Subject matter*
CAT.GEN.MPA.100(b)	Crew members' reporting and compliance responsibilities
CAT.GEN.MPA.100(b)(4) and (5)	Flight duty, duty and rest period records
CAT.GEN.MPA.190	Provision of documentation and records

CAT.OP.MPA.245	Meteorological conditions
CAT.OP.MPA.250(b)	Pilot in command not to take off unless external surfaces are clear
CAT.OP.MPA.260	Fuel and oil supply
CAT.OP.MPA.265	Take-off conditions
CAT.OP.MPA.285	Use of supplemental oxygen
CAT.OP.MPA.300	Approach and landing conditions
CAT.OP.MPA.305(b)	Commencement and continuation of approach
ORO.MLR.110	Requirement for journey log
SPA.LVO.125(b)	Low visibility operations – operating procedures
SPA.LVO.130(b)	Low visibility operations – minimum equipment

CHAPTER 6

Provision of EASA Aerodromes Regulation	*Subject matter*
ADR.OR.B.035(b)	Failure to return certificate after revocation or surrender
ADR.OR.B.060(a)	Failure to provide information, to notify changes or to comply with requirements or with provisions of aerodrome manual
ADR.OR.D.035	Failure to establish an adequate system of record keeping or to keep records

CHAPTER 7

Provision of Part-NCC	*Subject matter*
NCC.GEN.120	Taxiing of aeroplanes
NCC.GEN.125	Rotor engagement — helicopters
NCC.GEN.130	Portable electronic devices
NCC.GEN.135	Information on emergency and survival equipment carried
NCC.GEN.140	Documents, manuals and information to be carried
NCC.OP.160	Use of headset
NCC.OP.205(a)	In-flight fuel management

CHAPTER 8

Provision of Part-NCO	*Subject matter*
NCO.GEN.115	Taxiing of aeroplanes
NCO.GEN.120	Rotor engagement — helicopters
NCO.GEN.125	Portable electronic devices
NCO.GEN.130	Information on emergency and survival equipment carried
NCO.GEN.135	Documents, manuals and information to be carried
NCO.GEN.150	Journey log

PART 2

Provisions Referred to in Article 265(6)

CHAPTER 1

Article of Order	*Subject matter*
24(1)	Aircraft to be registered

32(1)	Aircraft not to fly unless it has nationality and registration marks
32(3)	Aircraft not to bear misleading marks
34(1)	Compliance with airworthiness directives
35	Requirement for certificate of release to service for EASA aircraft
36(8)	Holder of maintenance licence not to exercise privileges when unfit
42(1)	Restrictions on purposes of flight by aircraft with national permit to fly
43(2)	Requirement for weighing and determining centre of gravity
43(3)	Requirement for weight schedule
43(4)	Preservation of weight schedule
44(2)	Requirement for certificate of release to service for non-EASA aircraft
49	Aircraft not to fly without valid national airworthiness review certificate
51	Aircraft not to fly in specified circumstances
66	Required flight crew
67	Flight crew required by aircraft registered in the United Kingdom
68	Pilot in command to be satisfied that flight can be safely completed
69	Pre-flight action by pilot in command of aircraft
70(1)(b), (2) and (3)	Pilots to remain at controls
71	Passengers to be seated and properly secured
72	Pilot in command to be satisfied that additional survival equipment carried
73	Passenger briefing by pilot in command
74	Pilot in command to demonstrate use of oxygen on commercial operation and non-commercial flights
75	Take-off and landing conditions
76	Aerodrome operating minima requirements for commercial operation and private aircraft
77(1) and (3) to (6)	Requirements for aircraft to carry equipment
78(4)	Carriage of minimum equipment
79	Operation of radio in aircraft
80	Requirement for operation of airborne collision avoidance system
80	Requirements for training in operation of airborne collision avoidance system
81	Requirements concerning equipment when flying in North Atlantic Minimum Navigation Performance Specification airspace
82	Requirements concerning equipment when aircraft registered in United Kingdom flying in Reduced Vertical Separation Minimum airspace
83	Requirements concerning equipment when aircraft registered elsewhere than in United Kingdom flying in United Kingdom Reduced Vertical Separation Minimum airspace
84	Requirements concerning equipment for aircraft registered in the United Kingdom flying in Required Navigation Performance airspace
85	Requirements concerning equipment for aircraft registered elsewhere than in the United Kingdom flying in United Kingdom Required Navigation Performance airspace

86(1) to (5), (17) and (19)	Requirements for flying displays
87	Towing of gliders
88	Towing and picking up persons and articles other than gliders
89	Dropping of articles and animals
90(1) and (4) to (8)	Requirements for parachuting
90(2)	Person not to be dropped so as to endanger persons or property
91(1) and (4) to (7)	Requirements for aerial application
92	Requirements for balloons, gliders, kites and parascending parachutes and airships
93	Release of small balloons
94	Requirements for small unmanned aircraft
95	Requirements for small unmanned surveillance aircraft
96	Requirements for rockets
105	Pilot in command to ensure demonstration of life jackets
106	Pilot in command to ensure crew, passengers and baggage secure
107	Pilot in command to ensure demonstration of use of oxygen on public transport flights
108	Pilots required on public transport flights by flying machines
109(1)	Pilots required on public transport flights by aeroplanes
110(1)	Pilots required on public transport flights by helicopters
111	Flight navigators or navigational equipment required on public transport flights
112(2) and (3)	Requirement to carry cabin crew
114	Operator's responsibilities in relation to crew
115	Operator's responsibilities in relation to routes and aerodromes
116	Operations manual requirements
117	Training manual requirements
119	Carriage and use of equipment
119	Vibration health monitoring system to be operated in accordance with approved procedures
120(2)	Exits to be in working order
120(3)	Exits to be kept free of obstruction
121(2)	Operator to ensure marking of exits
122	Operator's duty concerning loading of public transport aircraft
127(1)	Requirement to comply with section 1 of Subpart C of Part-CAT
127(6) and (9)	Requirements for aeroplanes flying over water for public transport
128(2)	Public transport operating conditions and performance requirements for helicopters
128(6)	Requirements for helicopter on public transport flights flying over water
129	Requirements for helicopters carrying out a performance class 3 operation
130(1)(a)	Helicopter flying over water for public transport under national air operator's certificate on performance class 1 operation or performance class 2 operation
130(1)(b)	Helicopter flying over water under police air operator's certificate on a performance class 1 operation or performance class 2 operation
131	Aerodrome operating minima requirements for public transport aircraft registered in United Kingdom
132	Aerodrome operating minima requirements for public transport aircraft registered elsewhere than in United Kingdom
133	Prohibition on A to A commercial air transport aeroplane

	operations and public transport flights at night and in specified meteorological conditions by aeroplane with one power unit registered elsewhere than in the United Kingdom
135	Police operations manual requirements
151(2) and (3)	Holder of licence which does not meet minimum standards of Chicago Convention to obtain permission of competent authority and not to fly in the United Kingdom without permission of the CAA
166(1)	Person not to act as member of flight crew when unfit
166(2)	Requirement to inform CAA of injury, illness or pregnancy
170(2)	Requirements for giving of flying instruction
175(3)	Operator's obligation to obtain flight time records of flight crew
176(2)	Flight crew member's obligation to inform operator of flight times
177	Flight times – responsibilities of flight crew
181	Duty of person in charge to be satisfied as to competence of controllers
182	Requirement for Manual of Air Traffic Services
183	Requirement to provide air traffic services
184(5)	Requirement to comply with air traffic direction
184(7)	Requirement to comply with provisional air traffic direction
185(4)	Requirement to comply with direction for airspace policy purposes
186	Use of radio callsigns at aerodromes
199(1)(a)	Requirement for flight information service officer's licence
199(1)(b)	Requirement to identify as flight information service officer
201	Requirement for flight information service manual
205(1)	Requirement for approval for air traffic service equipment
206(2)	Provision of recording apparatus
207	Requirement to use licensed or Government aerodrome
209(1)	Aerodrome operator permitting flying training or testing at aerodrome without adequate facilities
209(2)	Pilot in command conducting flying training or testing at aerodrome without adequate facilities
210	Lighting for helicopters flying for public transport at night
212(6)	Requirement to comply with aerodrome licence conditions
212(7)	Requirement to take reasonable steps to secure airspace safe for use by aircraft
212(8) to (12)	Requirements for aerodrome manual
220(1) and (2)	Obligations of person having management of fuel installation on an aerodrome
220(4) and (5)	Requirements to keep and produce records for fuel installation
221(1) and (3)	Requirements for aeronautical lights
222(2) to (5)	Requirements for lighting of en-route obstacles
223(2), (4) to (7) and (9)	Requirements for lighting of wind turbine generators in United Kingdom territorial waters
224(1) and (2)	Lights liable to endanger not to be exhibited
225	Lights which dazzle or distract not to be shone
226(1), (2), (3) and (5)	Requirements for log books for non-EASA aircraft
227(2)	Requirement for technical log
227(4)	Entries in technical log
227(7)	Certificate to be entered in technical log
231	Use of flight recording systems
232	Preservation of records of aeroplane flight data recorder

233	Preservation of records of helicopter flight data recorder
234	Preservation of records of helicopter cockpit voice recorder and flight data recorder
239(4)	Requirement to comply with Restriction of Flying Regulations
239(5)	Requirement to leave restricted area
239(6)	Requirement to comply with instructions in restricted area or danger area
243	Smoking in aircraft
244	Requirement to comply with lawful commands of pilot in command of aircraft
245(a) and (b)	Acting in a disruptive manner
246	Stowaways
249(2)	Requirement to comply with Rules of the Air
260	Compliance with direction to make data available
263	Person not to obstruct or impede

CHAPTER 2

Provision of Part 21, Part M, Part 145, Part 66 or Part 147	*Subject matter*
21A.3(b) and (c)	Reporting of investigation of failures, malfunctions and defects
21A.3B(c)	Airworthiness directives – obligation to propose and make available corrective action
21A.129	Obligations of manufacturer
21A.165	Obligations of a production organisation approval holder
21A.727	Obligations of the holder of a permit to fly
M.A.202	Occurrence reporting
M.A.303	Carrying out airworthiness directives
M.A.305	Aircraft continuing airworthiness record system
M.A.306	Operator's technical log system
M.A.708	Continuing airworthiness management
M.A.710	Conduct of airworthiness review
145.A.50	Certification of release to service for maintenance
145.A.55	Maintenance records to be kept by organisation approved under Part 145
145.A.60	Occurrence reporting

CHAPTER 3

Provision of EU-OPS	*Subject matter*
1.085(f) 7, 8, 10, and 12	Responsibilities of pilot in command
1.290(b)	Flight preparation by pilot in command
1.310(a)1 and 2	Flight crew to remain at station
1.320	Crew and passengers to be secured
1.1225	Reporting of dangerous goods incidents and accidents

CHAPTER 4

Provision of EASA Air Operations Regulation	*Subject matter*
CAT.GEN.MPA.105(a) (7), (8), (10) and (12)	Responsibilities of pilot in command

CAT.GEN.MPA.195(a) to (e)	Preservation, production and use of flight recorder recordings
CAT.GEN.MPA.200(e)	Reporting of dangerous goods incidents and accidents
CAT.OP.MPA.175(b)	Flight preparation by pilot in command
CAT.OP.MPA.210(a)(1) and (2)	Flight crew to remain at station
CAT.OP.MPA.225	Crew and passengers to be secured
SPA.PBN.100	Requirement for Performance Based Navigation approval
SPA.MNPS.100	Requirement for Minimum Navigation Performance Specification approval
SPA.RVSM.100	Requirement for Reduced Vertical Separation Minimum approval
SPA.LVO.100	Requirement for low visibility operations approval
SPA.ETOPS.100	Requirement for extended range operations approval
SPA.NVIS.100	Requirement for night vision imaging systems approval for helicopter operations
SPA.HHO.100	Requirement for helicopter hoist operations approval
SPA.HEMS.100	Requirement for helicopter emergency medical service operations approval

CHAPTER 5

Provision of EASA Aerodromes Regulation	*Subject matter*
ADR.OR.B.005	Uncertificated operation of an EASA aerodrome
ADR.OR.B.025(a)(1)	Failure to perform and document all required actions, inspections, tests, safety assessments or exercises
ADR.OR.B.030	Failure to comply with the scope and privileges defined in the terms attached to the aerodrome certificate
ADR.OR.B.040(c)	Failure to obtain prior approval for a change affecting the certificate or safety-critical aerodrome equipment or significantly affecting the aerodrome operator's management system, failure to operate under the conditions prescribed during such changes
ADR.OR.C 015	Failure to grant access to any facility, document or other material relevant to the activity subject to certification or declaration
ADR.OR.C 025	Failure to implement mandated safety measures
ADR.OR.E.005	Failure to establish and maintain an aerodrome manual
ADR.OPS.B.055	Failure to verify that organisations involved in storing and dispensing of fuel to aircraft have required procedures

CHAPTER 6

Provision of SERA	*Subject matter*
2005	Flight to be in accordance with rules of the air
2010(a)	Pilot in command to be responsible for the operation of the aircraft
3105	Aircraft not to be flown below minimum heights
3110	Aircraft to be flown at cruising levels
3135	Aircraft not to be flown in formation flights except under pre-arrangements made between the pilots in command
3140	Unmanned free balloons to be operated so as to minimise hazards
3145	Aircraft not to be flown in prohibited and restricted areas
3201	Pilot in command to be responsible for taking action to avoid

	collisions
3205	Aircraft not to be flown in such proximity as to cause a collision hazard
3210 (other than (d)(4)(i) and (ii))	Aircraft to comply with rules as to right of way
3215	Aircraft flying at night to display lights
3220	Aircraft not to be flown in simulated instrument flight unless fully functioning dual controls installed and a safety pilot carried on board
3225	Aircraft operating on or in the vicinity of an aerodrome to observe other aerodrome traffic and conform to the pattern of traffic at the aerodrome
3230	Aircraft conducting water operations to comply with rules for avoiding collisions
3301	Aircraft to comply with signals
4001	A flight plan to be submitted before specified categories of flight
4020	An arrival report to be made to the appropriate air traffic services unit after landing
5005 (other than (g))	Aircraft operated under Visual Flight Rules to be operated according to the specified Visual Flight Rules
5010	Additional conditions to be observed by aircraft when flying under special Visual Flight Rules in control zones
5015	Instrument Flight Rules – Rules to be complied with by aircraft when flying under Instrument Flight Rules
5020	Instrument Flight Rules – Rules to be complied with by aircraft when flying under Instrument Flight Rules within controlled airspace
5025	Instrument Flight Rules – Rules to be complied with by aircraft when flying under Instrument Flight Rules outside controlled airspace
6005	Aircraft operating in Class E airspace, Class F airspace or Class G airspace

CHAPTER 7

Provision of EASA Aircrew Regulation	*Subject matter*
MED.A.020 (a) and (b)	Decrease in medical fitness

CHAPTER 8

Provision of Part-NCC	*Subject matter*
NCC.GEN.105	Crew responsibilities
NCC.GEN.106	Pilot in command responsibilities and authority
NCC.GEN.145	Preservation, production and use of flight recorder recordings
NCC.OP.100	Use of aerodromes and operating sites
NCC.OP.110	Aerodrome operating minima — general
NCC.OP.111	Aerodrome operating minima — NPA, APV, CAT I operations
NCC.OP.112	Aerodrome operating minima — circling operations with aeroplanes
NCC.OP.115	Departure and approach procedures
NCC.OP.116	Performance-based navigation — aeroplanes and helicopters
NCC.OP.125	Minimum obstacle clearance altitudes — IFR flights
NCC.OP.130	Fuel and oil supply — aeroplanes

NCC.OP.131	Fuel and oil supply — helicopters
NCC.OP.135	Stowage of baggage and cargo
NCC.OP.140	Passenger briefing
NCC.OP.145	Flight preparation
NCC.OP.150	Take-off alternate aerodromes — aeroplanes
NCC.OP.151	Destination alternate aerodromes — aeroplanes
NCC.OP.152	Destination alternate aerodromes — helicopters
NCC.OP.153	Destination alternate aerodromes — instrument approach procedures relying on GNSS
NCC.OP.155	Refuelling with passengers embarking, on board or disembarking
NCC.OP.165	Carriage of passengers
NCC.OP.170	Securing of passenger compartment and galley(s)
NCC.OP.175	Smoking on board
NCC.OP.180	Meteorological conditions
NCC.OP.185	Ice and other contaminants — ground procedures
NCC.OP.190	Ice and other contaminants — flight procedures
NCC.OP.195	Take-off conditions
NCC.OP.200	Simulated situations in flight
NCC.OP.210	Use of supplemental oxygen
NCC.OP.220	Airborne collision avoidance system (ACAS)
NCC.OP.225	Approach and landing conditions
NCC.OP.230	Commencement and continuation of approach
NCC.POL.100	Operating limitations — all aircraft
NCC.POL.105	Mass and balance, loading
NCC.POL.110	Mass and balance data and documentation
NCC.POL.115	Performance — general
NCC.POL.120	Take-off mass limitations — aeroplanes
NCC.POL.125	Take-off — aeroplanes
NCC.POL.130	En-route — one engine inoperative — aeroplanes
NCC.POL.135	Landing — aeroplanes
NCC.IDE.A.100	Instruments and equipment — general
NCC.IDE.A.105	Minimum equipment for flight
NCC.IDE.A.110	Spare electrical fuses
NCC.IDE.A.115	Operating lights
NCC.IDE.A.120	Operations under VFR — flight and navigational instruments and associated equipment
NCC.IDE.A.125	Operations under IFR — flight and navigational instruments and associated equipment
NCC.IDE.A.130	Additional equipment for single-pilot operations under IFR
NCC.IDE.A.135	Terrain awareness warning system (TAWS)
NCC.IDE.A.140	Airborne collision avoidance system (ACAS)
NCC.IDE.A.145	Airborne weather detecting equipment
NCC.IDE.A.150	Additional equipment for operations in icing conditions at night
NCC.IDE.A.155	Flight crew interphone system
NCC.IDE.A.160	Cockpit voice recorder
NCC.IDE.A.165	Flight data recorder
NCC.IDE.A.170	Data link recording
NCC.IDE.A.175	Flight data and cockpit voice combination recorder
NCC.IDE.A.180	Seats, seat safety belts, restraint systems and child restraint devices
NCC.IDE.A.185	Fasten seat belt and no smoking signs
NCC.IDE.A.190	First-aid kit
NCC.IDE.A.195	Supplemental oxygen — pressurised aeroplanes

NCC.IDE.A.200	Supplemental oxygen — non-pressurised aeroplanes
NCC.IDE.A.205	Hand fire extinguishers
NCC.IDE.A.206	Crash axe and crowbar
NCC.IDE.A.210	Marking of break-in points
NCC.IDE.A.215	Emergency locator transmitter (ELT)
NCC.IDE.A.220	Flight over water
NCC.IDE.A.230	Survival equipment
NCC.IDE.A.240	Headset
NCC.IDE.A.245	Radio communication equipment
NCC.IDE.A.250	Navigation equipment
NCC.IDE.A.255	Transponder
NCC.IDE.A.260	Management of aeronautical databases
NCC.IDE.H.100	Instruments and equipment — general
NCC.IDE.H.105	Minimum equipment for flight
NCC.IDE.H.115	Operating lights
NCC.IDE.H.120	Operations under VFR — flight and navigational instruments and associated equipment
NCC.IDE.H.125	Operations under IFR — flight and navigational instruments and associated equipment
NCC.IDE.H.130	Additional equipment for single-pilot operations under IFR
NCC.IDE.H.145	Airborne weather detecting equipment
NCC.IDE.H.150	Additional equipment for operations in icing conditions at night
NCC.IDE.H.155	Flight crew interphone system
NCC.IDE.H.160	Cockpit voice recorder
NCC.IDE.H.165	Flight data recorder
NCC.IDE.H.170	Data link recording
NCC.IDE.H.175	Flight data and cockpit voice combination recorder
NCC.IDE.H.180	Seats, seat safety belts, restraint systems and child restraint devices
NCC.IDE.H.185	Fasten seat belt and no smoking signs
NCC.IDE.H.190	First-aid kit
NCC.IDE.H.200	Supplemental oxygen — non-pressurised helicopters
NCC.IDE.H.205	Hand fire extinguishers
NCC.IDE.H.210	Marking of break-in points
NCC.IDE.H.215	Emergency locator transmitter (ELT)
NCC.IDE.H.225	Life-jackets
NCC.IDE.H.226	Crew survival suits
NCC.IDE.H.227	Life-rafts, survival ELTs and survival equipment on extended overwater flights
NCC.IDE.H.230	Survival equipment
NCC.IDE.H.232	Helicopters certified for operating on water — miscellaneous equipment
NCC.IDE.H.235	All helicopters on flights over water — ditching
NCC.IDE.H.240	Headset
NCC.IDE.H.245	Radio communication equipment
NCC.IDE.H.250	Navigation equipment
NCC.IDE.H.255	Transponder
NCC.IDE.H.260	Management of aeronautical databases

CHAPTER 9

Provision of Part-NCO	*Subject matter*
NCO.GEN.105 (except	Pilot in command responsibilities and authority

paragraph (a)(5))

NCO.GEN.106	Pilot in command responsibilities and authority — balloons
NCO.OP.100	Use of aerodromes and operating sites
NCO.OP.110	Aerodrome operating minima — aeroplanes and helicopters
NCO.OP.111	Aerodrome operating minima — NPA, APV, CAT I operations
NCO.OP.112	Aerodrome operating minima — circling operations with aeroplanes
NCO.OP.115	Departure and approach procedures — aeroplanes and helicopters
NCO.OP.116	Performance-based navigation — aeroplanes and helicopters
NCO.OP.125	Fuel and oil supply — aeroplanes
NCO.OP.126	Fuel and oil supply — helicopters
NCO.OP.127	Fuel and ballast supply and planning — balloons
NCO.OP.130	Passenger briefing
NCO.OP.135	Flight preparation
NCO.OP.140	Destination alternate aerodromes — aeroplanes
NCO.OP.141	Destination alternate aerodromes — helicopters
NCO.OP.142	Destination alternate aerodromes — instrument approach procedure relying on GNSS
NCO.OP.145	Refuelling with passengers embarking, on board or disembarking
NCO.OP.150	Carriage of passengers
NCO.OP.155	Smoking on board — aeroplanes and helicopters
NCO.OP.156	Smoking on board — sailplanes and balloons
NCO.OP.160	Meteorological conditions
NCO.OP.165	Ice and other contaminants — ground procedures
NCO.OP.170	Ice and other contaminants — flight procedures
NCO.OP.175	Take-off conditions — aeroplanes and helicopters
NCO.OP.176	Take-off conditions — balloons
NCO.OP.180	Simulated situations in flight
NCO.OP.190	Use of supplemental oxygen
NCO.OP.200	Airborne collision avoidance system (ACAS II)
NCO.OP.205	Approach and landing conditions — aeroplanes and helicopters
NCO.OP.210	Commencement and continuation of approach — aeroplanes and helicopters
NCO.OP.215	Operational limitations — hot-air balloons
NCO.OP.220	Airborne collision avoidance system (ACAS II)
NCO.POL.100	Operating limitations — all aircraft
NCO.POL.105	Weighing
NCO.POL.110	Performance — general
NCO.IDE.A.100	Instruments and equipment — general
NCO.IDE.A.105	Minimum equipment for flight
NCO.IDE.A.110	Spare electrical fuses
NCO.IDE.A.115	Operating lights
NCO.IDE.A.120	Operations under VFR — flight and navigational instruments and associated equipment
NCO.IDE.A.125	Operations under IFR — flight and navigational instruments and associated equipment
NCO.IDE.A.130	Terrain awareness warning system (TAWS)
NCO.IDE.A.135	Flight crew interphone system
NCO.IDE.A.140	Seats, seat safety belts, restraint systems and child restraint devices
NCO.IDE.A.145	First-aid kit
NCO.IDE.A.150	Supplemental oxygen — pressurised aeroplanes
NCO.IDE.A.155	Supplemental oxygen — non-pressurised aeroplanes

NCO.IDE.A.160	Hand fire extinguishers
NCO.IDE.A.165	Marking of break-in points
NCO.IDE.A.170	Emergency locator transmitter (ELT)
NCO.IDE.A.175	Flight over water
NCO.IDE.A.180	Survival equipment
NCO.IDE.A.190	Radio communication equipment
NCO.IDE.A.195	Navigation equipment
NCO.IDE.A.200	Transponder
NCO.IDE.A.205	Management of aeronautical databases
NCO.IDE.H.100	Instruments and equipment — general
NCO.IDE.H.105	Minimum equipment for flight
NCO.IDE.H.115	Operating lights
NCO.IDE.H.120	Operations under VFR — flight and navigational instruments and associated equipment
NCO.IDE.H.125	Operations under IFR — flight and navigational instruments and associated equipment
NCO.IDE.H.126	Additional equipment for single pilot operations under IFR
NCO.IDE.H.135	Flight crew interphone system
NCO.IDE.H.140	Seats, seat safety belts, restraint systems and child restraint devices
NCO.IDE.H.145	First-aid kit
NCO.IDE.H.155	Supplemental oxygen — non-pressurised helicopters
NCO.IDE.H.160	Hand fire extinguishers
NCO.IDE.H.165	Marking of break-in points
NCO.IDE.H.170	Emergency locator transmitter (ELT)
NCO.IDE.H.175	Flight over water
NCO.IDE.H.180	Survival equipment
NCO.IDE.H.185	All helicopters on flights over water — ditching
NCO.IDE.H.190	Radio communication equipment
NCO.IDE.H.195	Navigation equipment
NCO.IDE.H.200	Transponder
NCO.IDE.H.205	Management of aeronautical databases
NCO.IDE.S.100	Instruments and equipment — general
NCO.IDE.S.105	Minimum equipment for flight
NCO.IDE.S.115	Operations under VFR — flight and navigational instruments
NCO.IDE.S.120	Cloud flying — flight and navigational instruments
NCO.IDE.S.125	Seats and restraint systems
NCO.IDE.S.130	Supplemental oxygen
NCO.IDE.S.135	Flight over water
NCO.IDE.S.140	Survival equipment
NCO.IDE.S.145	Radio communication equipment
NCO.IDE.S.150	Navigation equipment
NCO.IDE.S.155	Transponder
NCO.IDE.B.100	Instruments and equipment — general
NCO.IDE.B.105	Minimum equipment for flight
NCO.IDE.B.110	Operating lights
NCO.IDE.B.115	Operations under VFR — flight and navigational instruments and associated equipment
NCO.IDE.B.120	First-aid kit
NCO.IDE.B.121	Supplemental oxygen
NCO.IDE.B.125	Hand fire extinguishers
NCO.IDE.B.130	Flight over water
NCO.IDE.B.135	Survival equipment

NCO.IDE.B.140	Miscellaneous equipment
NCO.IDE.B.145	Radio communication equipment
NCO.IDE.B.150	Transponder

PART 3

Provisions Referred to in Article 265(7)

CHAPTER 1

Article of Order	*Subject matter*
33(1)	Aircraft not to fly without a certificate of airworthiness
33(7)	Aircraft to comply with flight manual
37(2)	Non-military State aircraft to have a national certificate of airworthiness or an EASA certificate of airworthiness
37(3)	Requirements for non-military State aircraft with EASA certificate of airworthiness
97(2)	Requirement to comply with regulations for the carriage of dangerous goods
98(2)	Requirements for carriage of munitions of war
98(3)	Prohibition on carriage of sporting weapon or munition of war where passengers have access
99	Prohibition on carrying on board sporting weapons or munitions of war
101(1)	Aircraft not to fly for public transport without AOC
102	Aeroplanes not to fly on A to A commercial air transport aeroplane operation without EU-OPS AOC
103	Aircraft not to fly on a commercial air transport operation except under a Part-CAT AOC
104(1)	Offering commercial air transport and public transport flights without AOC
134(4)	Aircraft not to fly in the service of a police authority except under a Police Air Operator's Certificate, a national Air Operator's Certificate or a Part-CAT air operator certificate
136	Requirement for appropriate licence to act as member of flight crew of EASA aircraft registered in the United Kingdom
137	Requirement for appropriate licence to act as member of flight crew of non-EASA aircraft registered in the United Kingdom
148	Requirement for appropriate licence to act member of flight crew of aircraft registered elsewhere than in the United Kingdom
162	Requirement for a Part MED medical certificate for a Part-FCL licence
175(1)	Operator's obligation to regulate flight times of crew
175(2)	Operator's obligation not permit flight by crew in dangerous state of fatigue
176(1)	Crew's obligation not to fly in dangerous state of fatigue
178	Protection of air crew from cosmic radiation
179	Fatigue of crew – EU-OPS and Part-CAT operator's responsibilities
180(1)	Requirement for air traffic control approval
188(1)	Requirement to hold student air traffic controller licence or air traffic controller licence
191	Obligation not to exercise the privileges of a student air traffic

	controller licence or an air traffic controller licence if fatigued
192	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
220(6)	Aviation fuel not to be dispensed if not fit for use
220(7)	Compliance with direction not to dispense aviation fuel
230	Keeping and production of records of exposure to cosmic radiation
241	Endangering safety of any person or property
242	Drunkenness in aircraft
245(c)	Intentional interference
247	Obligations of operator and pilot in command when flying over foreign country
248(1)	Compliance with operational directives
250(1)	Restriction on carriage, where valuable consideration is given or promised, in aircraft registered elsewhere than in the United Kingdom
250(7)	Restriction on holding self out as a person offering carriage by air
252	Restriction on aerial photography, aerial survey and commercial operation in aircraft registered elsewhere than in an EEA state
256 (except (2) and (5))	Prohibitions in relation to documents and records
257(3)	Flight in contravention of CAA's direction not to fly
258	Grounded aircraft not to fly
259(3)	Flight in contravention of Secretary of State's direction not to fly

CHAPTER 2

Provision of Part 21, Part M, Part 145, Part 66 or Part 147	*Subject matter*
M.A.201(a) and (b)	Responsibilities of owner or lessee
M.A.201(d)	Responsibilities of the pilot in command or operator
M.A.201(e) and (f)	Responsibilities of continuing airworthiness management organisation
M.A.201(h)	Obligations of commercial air transport operator
M.A.201(i)	Obligations of certificated operator
M.A.403	Aircraft defects to be rectified
M.A.902(b)	Aircraft not to fly if airworthiness review certificate invalid

CHAPTER 3

Provision of EU-OPS	*Subject matter*
1.065	Prohibition of carriage of weapons or munitions of war
1.085(d) 4 and 5	Crew member's obligation not to fly in dangerous state of fatigue
1.1090 paragraphs 1 to 3	Operator's obligations for flight and duty time limitations and rest scheme
1.1145	Operator to comply with Technical Instructions
1.1155(a)	Operator to hold approval to transport dangerous goods

CHAPTER 4

Provision of EASA Air Traffic Controller Licensing	*Subject matter*

Regulation	
Article 17(1)	Reduced medical fitness

CHAPTER 5

Provision of EASA Air Operations Regulation	*Subject matter*
CAT.GEN.MPA.155	Prohibition of carriage of weapons or munitions of war
CAT.GEN.MPA.100(c)	Crew member's obligation not to fly in dangerous state of fatigue
CAT.GEN.MPA.200	Operator to comply with Technical Instructions
SPA.DG.100	Operator to hold approval to transport dangerous goods

CHAPTER 6

Provision of EASA Aerodromes Regulation	*Subject matter*
ADR.OR.C 030	Failure to report any accident, serious incident or occurrence or to report in the form and manner required or within the required time limit

CHAPTER 7

Provision of SERA	*Subject matter*
2020	Problematic use of psychoactive substance
3101	Negligent or reckless operation of aircraft
11015(b)	Pilot in command of an aircraft to comply with instructions given by intercepting aircraft

CHAPTER 8

Provision of Occurrence Reporting Regulation	*Subject matter*
4	Requirement to report occurrences

CHAPTER 9

Provision of Part-NCC	*Subject matter*
NCC.GEN.150	Transport of dangerous goods

CHAPTER 10

Provision of Part-NCO	*Subject matter*
NCO.GEN.105(a)(5)	Pilot in command responsibilities and authority
NCO.GEN.140	Transport of dangerous goods
NCO.GEN.145	Immediate reaction to a safety problem
NCO.OP.185	In-flight fuel management

PART 4

Provisions Referred to in Article 265(8)

Article of Order	*Subject matter*
240	Endangering safety of an aircraft

SCHEDULE 14

Article 274

REVOCATIONS AND SAVINGS, CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL ARRANGEMENTS

PART 1

Revocations and savings

1. The instruments specified in column 1 of the table, with the reference in the corresponding entry in column 2 of the table, are revoked to the extent specified in the corresponding entry in column 3 of that table.

Column 1 *Instrument Title*	*Column 2* *Reference*	*Column 3* *Extent of revocation*
The Air Navigation Order 2009	S.I. 2009/3015	Whole instrument
The Air Navigation (Amendment) Order 2010	S.I. 2010/770	Whole instrument
The Air Navigation (Amendment) Order 2011	S.I. 2011/2432	Whole instrument
The Air Navigation (Amendment) Order 2012	S.I. 2012/1751	Whole instrument
The Air Navigation (Amendment) Order 2013	S.I. 2013/3169	Whole instrument
The Air Navigation (Amendment) Order 2014	S.I. 2014/508	Whole instrument
The Air Navigation (Amendment) (No. 2) Order 2014	S.I. 2014/1888	Whole instrument
The Air Navigation (Amendment) (No. 3) Order 2014	S.I. 2014/2920	Whole instrument
The Air Navigation (Amendment) (No. 4) Order 2014	S.I. 2014/3302	Whole instrument
The International Interests in Aircraft Equipment (Cape Town Convention) Regulations 2015	S.I. 2015/912	Paragraph 4 of Schedule 5
The Air Navigation (Amendment) Order 2015	S.I. 2015/1768	Whole instrument

PART 2

Consequential amendments

CHAPTER 1

Primary legislation

Amendment of the Police Act 1997

2. In the Police Act 1997(**a**)—

(a) in section 113A as it applies to Northern Ireland(**b**), for subsection (6D)(fff), substitute—

"(fff) an offence under article 240 or 241 of the Air Navigation Order 2016;";

(b) for paragraph 23 of Schedule 8A(**a**), substitute—

(**a**) 1997 c.50.
(**b**) Subsection (6D) was inserted in respect of Northern Ireland by S.R. (NI) 2014 No 100.

"**23.** An offence under article 265 of the Air Navigation Order 2016 in respect of a contravention of article 240 of that Order (endangering safety of aircraft).".

CHAPTER 2

Secondary legislation

SECTION 1

United Kingdom Statutory Instruments

Amendment of the Civil Aviation (Working Time) Regulations 2004

3. In the Civil Aviation (Working Time) Regulations 2004(**b**)—

(a) in regulation 3—

(i) in the definition of "commercial air transport flight", for "article 255(1) of the Air Navigation Order 2009", substitute "paragraph 1 of Schedule 1 to the Air Navigation Order 2016";

(ii) in the definition of "public transport", for "article 260(2) of the Air Navigation Order 2009", substitute "article 6(2) of the Air Navigation Order 2016";

(iii) in the definition of "scheme", for "article 145(1)(b) or 149(a) of the Air Navigation Order 2009", substitute "article 175(1)(b) or 179(2)(a) of the Air Navigation Order 2016";

(b) in regulation 10(2), for "a scheme referred to in article 145(1) or 149 of the Air Navigation Order 2009" (twice), substitute "a scheme referred to in article 175(1) or 179 of the Air Navigation Order 2016".

Amendment of the Plant Protection Products (Sustainable Use) Regulations 2012

4. In paragraph 7(e) of Schedule 2 to the Plant Protection Products (Sustainable Use) Regulations 2012(**c**), for "article 131(2) of the Air Navigation Order 2009", substitute "article 91(2) of the Air Navigation Order 2016".

Amendment of the Kentish Flats Extension Order 2013

5. In the Kentish Flats Extension Order 2013(**d**)—

(a) in paragraph 5(e) of Part 3 to Schedule 1; and

(b) in paragraph 2(e) of Part 2 to Schedule 2,

for "Air Navigation Order 2009", substitute "Air Navigation Order 2016".

Amendment of the Wireless Telegraphy (Limitation of Number of Licences) Order 2014

6. In paragraphs 7, 9, 14, 18 and 23 of Part 2 of Schedule 6 to the Wireless Telegraphy (Limitation of Number of Licences) Order 2014(**e**), for "Air Navigation Order 2009", substitute "Air Navigation Order 2016".

Amendment of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

7. In paragraph 9(4)(a) of Schedule 1 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014(**f**), for "article 6 (aircraft to be registered) of the Air Navigation

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(**a**) Schedule 8A was inserted by S.S.I. 2015/423.
(**b**) S.I. 2004/756.
(**c**) S.I. 2012/1657.
(**d**) S.I. 2013/343.
(**e**) S.I. 2014/774.
(**f**) S.I. 2014/2936.

Order 2009", substitute "article 27 (application for the registration of an aircraft) of the Air Navigation Order 2016".

Amendment of the Town and Country Planning (General Permitted Development) (England) Order 2015

8. In the Town and Country Planning (General Permitted Development) (England) Order 2015(**a**)—

(a) in the definition of "aerodrome" in article 2(1)—

(i) for "article 255 of the Air Navigation Order 2009 (interpretation)", substitute "paragraph 1 of Schedule 1 to the Air Navigation Order 2016"; and

(ii) for "article 255 of that Order", substitute "paragraph 1 of Schedule 1 to that Order";

(b) in paragraph U of Part 19 of Schedule 2, for "article 255 of the Air Navigation Order 2009", substitute "paragraph 1 of Schedule 1 to the Air Navigation Order 2016".

Amendment of the Rules of the Air Regulations 2015

9. In the Rules of the Air Regulations 2015(**b**)—

(a) in rule 1(3) in Schedule 1, for "article 258 of the Air Navigation Order 2009", substitute "article 5 of the Air Navigation Order 2016"; and

(b) in rule 2 in Schedule 1, for "articles 160(3) and 252(1) of the Air Navigation Order 2009", substitute "articles 249(3) and 22(1) of the Air Navigation Order 2016".

Amendment of the Air Navigation (Isle of Man) Order 2015

10. In the Air Navigation (Isle of Man) Order 2015(**c**)—

(a) in article 68(1), for "article 132 of the Air Navigation Order 2009", substitute "article 97 of the Air Navigation Order 2016";

(b) in article 91(1), for "article 160 of the Air Navigation Order 2009", substitute "article 249 of the Air Navigation Order 2016"; and

(c) in article 167(1), in the definition of "applied regulations", for "Air Navigation Order 2009", substitute "Air Navigation Order 2016".

SECTION 2

Scottish Statutory Instruments

Amendment of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013

11. For paragraph 23 of Schedule A1 to the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013(**d**), substitute—

"**23.** An offence under article 265 of the Air Navigation Order 2016 in respect of a contravention of article 240 of that Order (endangering safety of aircraft).".

(**a**) S.I. 2015/596.
(**b**) S.I. 2015/840.
(**c**) S.I. 2015/870.
(**d**) S.S.I. 2013/50.

Amendment of Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979

12. In article 1A(4)(fff) of the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979(**a**), for "Article 137 or 138 of the Air Navigation Order 2009", substitute "Article 240 or 241 of the Air Navigation Order 2016".

Amendment of the Planning (General Permitted Development) Order (Northern Ireland) 2015

13. In the definition of "airbase" in the "Interpretation Part 29" section of Part 29 of the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015(**b**), for "Article 255 of the Air Navigation Order 2009", substitute "paragraph 1 of Schedule 1 to the Air Navigation Order 2016".

Amendment of the Planning (General Development Procedure) Order (Northern Ireland) 2015

14. In article 2(1) of the Planning (General Development Procedure) Order (Northern Ireland) 2015(**c**), in the definition of "licensed aerodrome", for "Air Navigation Order 2009", substitute "Air Navigation Order 2016".

PART 3

Transitional arrangements

Log Books

15. In respect of any log book kept under article 34 of the Air Navigation Order 2009 immediately before the commencement of this Order—

(a) such a log book may continue to be used to comply with the requirements of this Order;

(b) entries made in such a log book before the commencement of this Order must be retained as though they were entries made in accordance with the requirements of this Order; and

(c) entries in such a log book which were required to be made by the Air Navigation Order 2009 immediately before the commencement of this Order and which have not been so made continue to be required to be made.

Equipment of Non-EASA aircraft

16. A non-EASA aircraft which, immediately before the commencement of this Order, was fitted with equipment in conformity with article 37 of the Air Navigation Order 2009 is deemed to meet the requirements of article 77 of this Order.

Instructor ratings

17. An instructor rating held pursuant to the Air Navigation Order 2009 immediately before the commencement of this Order—

(**a**) S.R. 1979/195.
(**b**) S.R. 2015/70.
(**c**) S.R. 2015/72.

(a) is, for the purposes of this Order, deemed to be the equivalent instructor certificate issued under this Order;

(b) remains valid until—

(i) that rating would have ceased to become valid under the Air Navigation Order 2009, had that Order not been revoked; or

(ii) an equivalent instructor certificate issued under this Order would cease to be valid,

whichever is the sooner; and

(c) on the first occasion where revalidation or renewal is required in accordance with this Order, is to become an instructor certificate issued under this Order.

Aircraft markings

18. An aircraft which, immediately before the commencement of this Order, bore markings in conformity with article 119 of the Air Navigation Order 2009 is deemed to meet the requirements of paragraph 7 of Schedule 5 or paragraph 6 of Part 1 of Schedule 6 of this Order.

Certificates of experience and test

19. For the purposes of article 154(2), a certificate of experience or certificate of test obtained under the Air Navigation Order 2009 is to be treated as a certificate of revalidation until such time as—

(a) the holder next applies to the CAA for the renewal or variation of their licence; or

(b) the CAA requires a variation of the holder's licence,

whichever is the earlier.

Medical declarations

20.—(1) For the purposes of article 163, a medical declaration which immediately before the commencement of this Order was valid under article 73A of the Air Navigation Order 2009—

(a) is to be treated as a declaration made in accordance with, and satisfying the requirements of, paragraph (3) of article 163; and

(b) subject to paragraph (4) of article 163, continues to be valid until the expiry of the relevant period mentioned in the table in paragraph (4) of article 73A of the Air Navigation Order 2009.

(2) In the application of article 163 to a medical declaration mentioned in sub-paragraph (1)—

(a) the reference in paragraph (4)(b) of that article to "paragraph (3)" is to be treated as though it read "article 73A of the Air Navigation Order 2009, had that article remained in force"; and

(b) the reference in paragraph (4)(c)(i) of that article to "paragraph (3)(a)(i)" is to be treated as though it read "article 73A(2)(a) of the Air Navigation Order 2009, had that article remained in force".

EXPLANATORY NOTE

(This note is not part of the Order)

This Order consolidates with amendments the provisions of the Air Navigation Order 2009 (S.I. 2009/3015) and takes account of the requirement to apply the provisions of certain of the Annexes to Commission Regulation (EU) No 965/2012 (O.J. No. L 296, 25.10.2012, p.1., and referred to in this Order as the "EASA Air Operations Regulation") to different categories of aircraft following the expiry of the derogation period permitted under paragraph 3 of Article 10 of that Regulation.

Part 1 deals with interpretation, and introduces Schedule 1 containing definitions used throughout the Order.

Part 2 sets out the applicability of the Order, including providing for extra-territorial effect in certain situations.

Part 3 contains provisions dealing with registration and marking of aircraft.

Part 4 deals with airworthiness of aircraft, both initially and on a continuing basis.

Part 5 sets out provisions dealing with the operation of aircraft. This imposes specific obligations on the pilot in command of an aircraft, and sets out requirements for aircraft equipment and crew, as well as restrictions on certain types of aerial activity. There are additional requirements for public transport operations.

Part 6 deals with arrangements for aircrew, including provisions requiring aircrew to be licensed, and how such licences are granted and maintained. Article 178 also implements article 42 of Council Directive 96/29/Euratom of 13 May 1996, which lays down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation (O.J. No. L 159, 29.6.96, p.1). Article 178 therefore requires an undertaking established in the United Kingdom which operates aircraft to take appropriate measures to assess the in-flight exposure to cosmic radiation of air crew who are liable to be subject to cosmic radiation in excess of 1 milliSievert per year, to take into account the assessed exposure when organising work schedules and to inform the workers concerned of the health risks their work involves. In accordance with article 10 of that Directive, additional provision is made for air crew who are pregnant so that the dose to the foetus will be as low as reasonably achievable and unlikely to exceed 1 milliSievert during the remainder of the pregnancy.

Part 7 deals with arrangements for air traffic services, including the licensing of air traffic controllers and flight information service officers.

Part 8 sets requirements for aerodromes and lighting, including a requirement to light objects, such as wind turbine generators, which may prove an obstacle to aircraft. Lights which dazzle or distract pilots, or which are otherwise liable to endanger aircraft, are prohibited.

Part 9 specifies which documents and records are required to be maintained and produced. Article 230 also requires an undertaking to keep a record of the assessed exposure of air crew to cosmic radiation for the purposes of Council Directive 96/29/Euratom, to produce that record on request to the Civil Aviation Authority and to supply a copy on request to the air crew concerned.

Part 10 sets out prohibited behaviour in connection with aircraft, including in relation to drunkenness, smoking and acting in a disruptive manner. It also provides for Operational Directives and Rules of the Air to be promulgated.

Part 11 deals with revocations and savings, consequential amendments and transitional arrangements, and introduces Schedule 14.

Part 12 consists of a review provision in article 275, which requires the Secretary of State to review the operation and effect of this Order and publish a report within five years after it comes into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether this Order should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke the Order or to amend it.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR and published with the Explanatory Memorandum alongside the instrument at www.legislation.gov.uk

DESTINATION TABLE

(This table is not part of the Order)

The following Table shows, in relation to each provision of the Air Navigation Order 2009, as amended, the provision of this Order in which it is reproduced (wholly or in part), or whether it has been omitted.

Provision of the Air Navigation Order 2009, as amended	*Corresponding provision of this Order, or whether provision omitted*
1	1
2	274
3	24
4	25
5	26
6	27
7	28
8	29
8A	30
9	31
10	32
11	102
11A	103
12	101
13	134
14	104
15	248
16	33
17	37
18	38
19	39
20	34
21	40
22	41
23 (except (2))	42
23(2)	86
24	omitted
25	omitted
26	omitted
27	227
28	44
29 (except (2) and (4))	omitted
29(2)	46
29(4)	45
30	47
31	48
32	35
33	36
34	226
35	43
36	262
36A	49
36B	50
36C	51
36D	52
36E	53
36F	54

36G	55
36H	56
36I	57
36J	58
36K	59
36L	60
36M	61
36N	62
36O	63
37	77
38 (except (3) and (4))	omitted
38(3) and (4)	119
39	77
40	omitted
41	78
42	66
43	67
44	108
45	109
46	110
47	111
48	112
49	omitted
50	136
50A	137
50B	138
51	139
52	140
53	141
54	omitted
55	142
56	143
57	144
58	145
59	146
60	147
61	148
61A	149
62	150
63	151
64	152
65	153
66	154
67	155
68	156
69	157
70	158
71	159
72	160
72A	161
72B	162
73	163
73A	omitted

73B	164
73C	165
74	166
75	omitted
76	167
77	168
78	169
79	228
80	170
81	171
82	172
82A	173
83	116
84	135
85	117
86	69 and 75
87	68
88	73
89	105
90	106
91	107
92	74
93	70
94	113
95	114
96	115
97	133
98	122
99	123
100	124
101	125
102	126
103	127
104	128
105	129
106	130
107	131
108	132
109	76 and 75
110	72
111	118
112	79
113	80
114	80
115	119
116	omitted
117	120
118	121
119	omitted
120	247
121	81
122	82
123	83

124	84
125	85
126	87
127	omitted
128	88
129	89
130	90
131	91
132	97
133	98
134	99
135	100
136	omitted
137	240
138	241
139	242
140	243
141	244
142	245
143	246
144	174
145	175
146	176
147	177
148	178
149	179
150	229
151	230
152	231
153	232
154	233
155	234
156	235
157	236
158	237
159	238
160	249
161	239
162	86
163 (except (8) and (9))	92
163(8) and (9)	93
164	92
165	92
166	94
167	95
168	96
169	180
170	181
171	182
172	183
173	184
174	185
175	186

176	187
177	188
185	189
185A	190
193	191
194	192
195	193
196	194
197	195
198	196
199	197
201	198
202	199
203	200
204	201
204A	202
204B	203
204C	204
205	205
206	206
207	207
208	208
208A	209
209	210
210	211
211	212
211A	213
212	214
213	215
214	216
214A	217
215	218
216	219
217	220
218	221
219	222
220	223
221	224
222	225
223	250
224	251
225	252
226	omitted
227	omitted
228	253
229	254
230	255
231	256
232	257
232A	258
236	259
237	260
238	261

239	263
240	264
241	265
242	266
243	267
244	268
245	269
246	270
246A	271
246B	272
246C	273
247	17
248	18
249	19
250	20
251	21
252	22
253	23
254	274
255	2 and Schedule 1
256	3
257	4
258	5
259	7
260	6
261	8
262	omitted
263	9
264	10
265	11
266	12
267	13
268	omitted
269	omitted
270	14
Schedule 1	Schedule 14
Schedule 2	Schedule 3
Schedule 3	Schedule 4
Schedule 4	Schedule 6
Schedule 5	Schedule 6
Schedule 6	Schedule 7
Schedule 7	Schedule 8
Schedule 8	Schedule 9
Schedule 9	Schedule 10
Schedule 11	Schedule 11
Schedule 12	Schedule 12
Schedule 13	Schedule 13
Schedule 14	Schedule 2

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SECTION 2

The Rules of the Air Regulations 2015

Made: **17 March 2015**

Coming into force: **30 April 2015**

The Secretary of State, in exercise of the powers conferred by article 160(1) of the Air Navigation Order 2009(**a**), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Rules of the Air Regulations 2015 and come into force on 30th April 2015.

Rules of the Air

2. The Rules of the Air in Schedule 1 have effect and may be cited as the Rules of the Air 2015.

Review

3.—(1) The Secretary of State must from time to time—

(a) carry out a review of the Rules in Schedule 1 to these Regulations;

(b) set out the conclusions of the review in a report; and

(c) publish the report.

(2) The report must in particular—

(a) set out the objectives to be achieved by the Rules;

(b) assess the extent to which those objectives have been achieved; and

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved by a system of lesser regulation.

(3) The first report under this regulation must be published before 30th April 2020.

(4) Reports under this regulation are to be published at intervals not exceeding five years.

Revocation

4. The Regulations listed in Schedule 2 are revoked.

([a]) S.I. 2009/3015; amended by S.I. 2014/3302. There are other amendments to the Order but none is relevant.

SCHEDULE 1

Regulation 2

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Section 1

Interpretation

Interpretation

1.—(1) In these Rules "anti-collision light" means—

(a) in relation to rotorcraft, a flashing red light; and

(b) in relation to any other aircraft, a flashing red or flashing white light,

in either case showing in all directions.

(2) Subject to paragraph (3), terms used in these Rules which are defined in article 2 of the Standardised European Rules of the Air Regulation([a]) have the same meaning as given in that article.

(3) The term "aerodrome traffic zone" has the same meaning as given in article 5 of the Air Navigation Order 2016([b]).

(4) References in these Rules to "SERA" followed by a number refer to the provision with the corresponding number in SERA([c]).

Section 2

Application and compliance

Application of Rules to aircraft

2. Subject to rule 6 and to articles 249(3) and 22(1) of the Air Navigation Order 2016 and insofar as these Rules apply to aircraft they apply—

(a) to all aircraft within the United Kingdom; and

(b) to all aircraft registered in the United Kingdom, wherever they may be([d]).

(a) Commission Implementing Regulation (EU) No. 923/2012 of the European Parliament and of the Council of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (O.J. No.L281 of 13.10.2012, p.1).

(b) S.I. 2016/765.

(c) The definition of the term "SERA" was inserted into article 255(1) of the Air Navigation Order 2009 by article 76 of S.I. 2014/3302 and means the Annex to the Standardised European Rules of the Air Regulation.

(d) Article 160(3) of the Air Navigation Order 2009 provides that it is lawful for any of the Rules of the Air to be departed from to the extent necessary for avoiding immediate danger, complying with the law of any country other than the United Kingdom within which the aircraft then is or for complying with Military Flying Regulations or Flying Orders to Contractors issued by the Secretary of State. Article 252(1) of the Air Navigation Order 2009 provides that nothing in the Order applies to military aircraft apart from certain

Permissions

3. Wherever in these Rules there is provision for a permission to be granted by the CAA([a]) for the purposes of a rule, it may be granted—

(a) in respect of classes of aircraft, persons or vehicles generally or in respect of any particular aircraft, person or vehicle or class of aircraft, person or vehicle; and

(b) subject to such conditions as the CAA thinks fit.

specified articles, including article 160(1)(a). A "military aircraft" is defined in article 255(1) of the Air Navigation Order 2009.

(a)The CAA is a body corporate, called the Civil Aviation Authority, constituted under section 2 of the Civil Aviation Act 1982 (c.16). Section 2 is amended by section 95 of the Civil Aviation Act 2012 (c.19).

Section 3

General rules, collision avoidance and protection of persons and property

Aerobatic flights

4. Aerobatic flight is not permitted—

(a) over the congested area of any city, town or settlement; or

(b) within notified controlled airspace([a]) other than with the consent of the air traffic control unit notified as serving that airspace.

Landing and taking off within congested areas and near open-air assemblies

5.—(1) An aircraft must not take off or land within a congested area of any city, town or settlement except—

(a) at an aerodrome in accordance with procedures notified by the CAA; or

(b) at a landing site which is not an aerodrome in accordance with the permission of the CAA.

(2) An aircraft must not land or take-off within 1,000 metres of an open-air assembly of more than 1,000 persons except—

(a) at an aerodrome in accordance with procedures notified by the CAA; or

(b) at a landing site which is not an aerodrome in accordance with procedures notified by the CAA and with the written permission of the organiser of the assembly.

Test flying over congested areas

6.—(1) Subject to paragraph (2), an aircraft to which this rule applies must not fly over a congested area of any city, town or settlement other than to the extent necessary in order to take off or land in accordance with normal aviation practice.

(2) Paragraph (1) does not apply if the CAA has given its written permission for the flight over the congested area.

(3) This rule applies to an aircraft that—

(a) does not have a valid certificate of airworthiness in force; and

(b) is flying for the purpose of—

(i) experimenting with or testing–

(aa) the aircraft; or

(bb) any engines or equipment installed or carried in the aircraft; or

(ii) enabling the aircraft to qualify for–

(aa) the issue or validation of a certificate of airworthiness;

(bb) the approval of a modification of the aircraft; or

(cc) the issue of a permit to fly.

(a)"Notified" and "controlled airspace" are defined in article 255(1) of the Air Navigation Order 2009. The classification of airspace in the United Kingdom is notified in the Aeronautical Information Publication which is published by the CAA.

Launching, picking up and dropping of tow ropes, etc.

7.—(1) An aircraft must not take off from an aerodrome with tow ropes, banners or similar articles towed by it except in accordance with arrangements made with the air traffic control unit at the aerodrome or, if there is no such unit, the person in charge of the aerodrome.

(2) Tow ropes, banners or similar articles towed by aircraft must not be picked up by, or dropped from, an aircraft at an aerodrome except—

(a) in accordance with arrangements made with the air traffic control unit at the aerodrome or, if there is no such unit, with the person in charge of the aerodrome; or

(b) in the area designated by the marking described in rule 20(7), but only when the aircraft is flying in the direction appropriate for landing.

Avoiding aerial collisions

8. For the purposes of SERA.3201, SERA.3205 and SERA.3210 a glider and a flying machine which is towing it are to be considered to be a single aircraft under the command of the commander of the flying machine.

Order of landing

9.—(1) If an air traffic control unit has communicated to any aircraft an order of priority for landing, the aircraft must approach to land in that order.

(2) If the commander of an aircraft which has previously been given permission to land gives way to another aircraft that is making an emergency landing at night, that commander must not attempt to land until the commander has received further permission to do so.

Landing and take-off

10.—(1) Subject to paragraph (4), a flying machine or glider must not land on a runway at an aerodrome if there are other aircraft on the runway.

(2) If take-offs and landings are not confined to a runway—

(a) when landing, a flying machine or glider must leave clear on its left any aircraft which has landed, is already landing or is about to take off;

(b) a flying machine or glider which is about to turn must turn to the left if the commander of the aircraft is satisfied that such action will not interfere with other traffic movements; and

(c) a flying machine which is about to take off must take up position and manoeuvre in such a way as to leave clear on its left any aircraft which has already taken off or is about to take off.

(3) Subject to paragraph (4), a flying machine must move clear of the landing area as soon as it is possible to do so after landing.

(4) Paragraphs (1) and (3) do not apply if the air traffic control unit at the aerodrome otherwise authorises the flying machine or glider.

Flight within aerodrome traffic zones

11.—(1) This rule applies in relation to such aerodromes described in Column 1 of Table 1 as are notified for the purposes of this rule and at such times as are specified in Column 2 of the Table.

Table 1

Table Column 1	*Column 2*
(a) A Government aerodrome.	At such times as are notified.
(b) An aerodrome having an air traffic control unit or flight information service centre.	During the notified hours of watch of the air traffic control unit or the flight information service centre.
(c) A national licensed aerodrome or an EASA certificated aerodrome having an air/ground communications service unit with aircraft.	During the notified hours of watch of the air/ground communications service unit.

(2) An aircraft must not fly, take off or land within the aerodrome traffic zone of an aerodrome unless the commander of the aircraft has complied with paragraphs (3), (4) or (5), as appropriate.

(3) If the aerodrome has an air traffic control unit the commander must obtain the permission of that unit to enable the flight to be conducted safely within the aerodrome traffic zone.

(4) If the aerodrome provides a flight information service the commander must obtain information from the flight information centre to enable the flight to be conducted safely within the aerodrome traffic zone.

(5) If there is no flight information centre at the aerodrome the commander must obtain information from the air/ground communication service to enable the flight to be conducted safely within the aerodrome traffic zone.

(6) The commander of an aircraft flying within the aerodrome traffic zone of an aerodrome must—

(a) cause a continuous watch to be maintained on the appropriate radio frequency notified for communications at the aerodrome; or

(b) if this is not possible, cause a watch to be kept for such instructions as may be issued by visual means; and

(c) if the aircraft is fitted with means of communication by radio with the ground, communicate the aircraft's position and height to the air traffic control unit, the flight information centre or the air/ground communications service unit at the aerodrome (as the case may be) on entering the aerodrome traffic zone and immediately prior to leaving it.

Movement of aircraft on uncontrolled aerodromes

12.—(1) An aircraft must not taxi on the apron or the manoeuvring area of an uncontrolled aerodrome without the permission of either—

(a) the person in charge of the aerodrome; or

(b) the flight information centre notified as being on watch at the aerodrome.

(2) In this rule "uncontrolled aerodrome" means an aerodrome at which no air traffic control service is provided to aerodrome traffic regardless whether or not an air traffic zone exists.

Access to and movement of persons and vehicles on the aerodrome

13.—(1) Unless there is a public right of way over it, a person or vehicle must—

(a) not go onto any part of an aerodrome without the permission of the person in charge of that part of the aerodrome; and

(b) comply with any conditions subject to which that permission may be granted.

(2) A person or vehicle must—

(a) not go onto or move on the manoeuvring area of an aerodrome which provides an air traffic control service or a flight information service without the permission of the person providing that service; and

(b) comply with any conditions subject to which that permission may be granted.

Section 4

Lights to be displayed by aircraft

Stationary helicopters on offshore or renewable energy installations

14. Notwithstanding SERA.3215 a helicopter may, when stationary on an offshore or renewable energy installation, switch off the red anti-collision light as long as that is done in accordance with a procedure contained in the operations manual of the helicopter operator as a signal to ground personnel that it is safe to approach the helicopter for the purpose of embarkation or disembarkation of passengers or the loading or unloading of cargo.

Failure of anti-collision and navigation lights

15.—(1) If any light required to be displayed by SERA.3215 fails during flight at night and cannot be immediately repaired or replaced, the aircraft must land as soon as it can safely do so, unless authorised by the appropriate air traffic control unit to continue its flight.

(2) An aircraft may continue to fly during the day in the event of a failure of an anti-collision light provided the light is repaired at the earliest practicable opportunity.

Airships by day

16.—(1) An airship flying during the day in any of the circumstances referred to in paragraph (2) must display two black balls suspended below the control car so that one is at least 4 metres above the other and at least 8 metres below the control car.

(2) The circumstances are that—

(a) the airship is not under command;

(b) the airship has voluntarily stopped its engines; or

(c) the airship is being towed.

(3) For the purposes of this rule an airship is not under command when it is unable to execute a manoeuvre which it may be required to execute by these Rules.

Section 5

Aerodrome visual signals and markings

Aerodrome Visual Signals and Markings

17. Within the United Kingdom any signal or marking which is specified in these Rules and which is given or displayed—

(a) by any person in an aircraft;

(b) at an aerodrome; or

(c) at any other place which is being used by aircraft for landing or take-off,

has the meaning assigned to it by this section.

Misuse of signals and markings

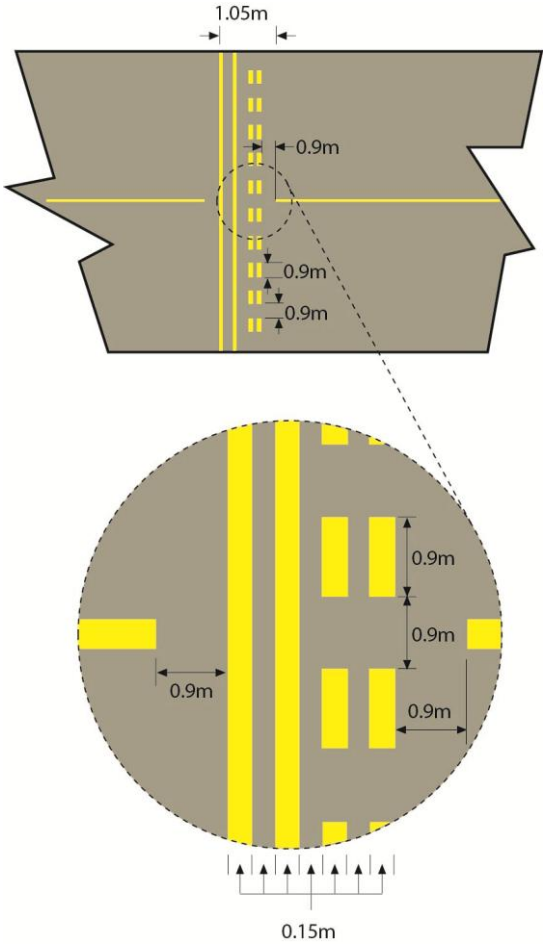
18. A person in an aircraft or on an aerodrome or at any place at which an aircraft is taking off or landing must not—

(a) make any signal which may be confused with a signal specified in SERA.3301 and Appendix 1 to SERA; or

(b) except with lawful authority, make any signal which the person knows or ought reasonably to know to be a signal in use for signalling to or from any of Her Majesty's naval, military or air force aircraft.

Markings for paved runways and taxiways

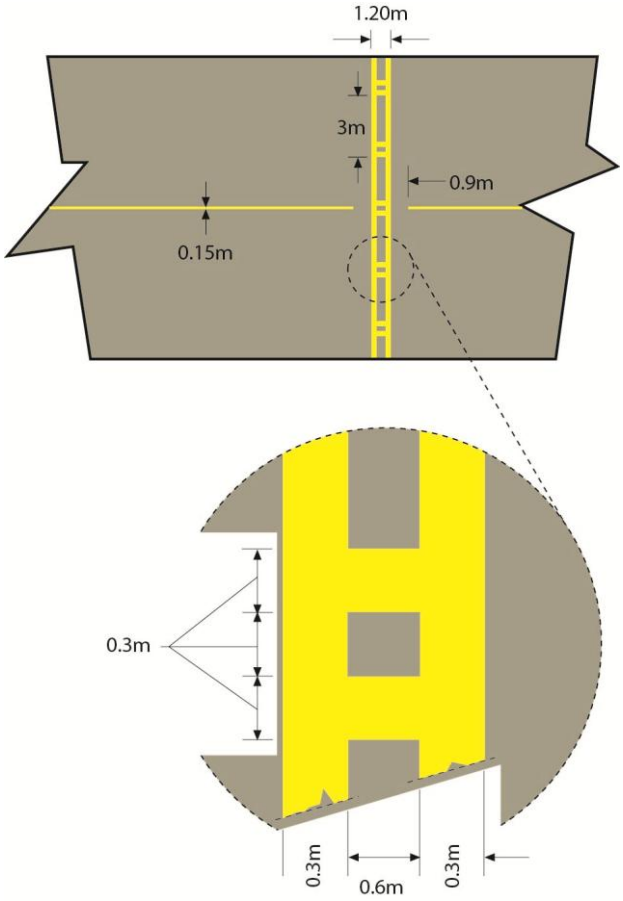
19.—(1) Subject to paragraph (2), two yellow broken lines and two yellow continuous lines, as illustrated in the diagrams in this paragraph—



signify the designated visual holding position associated with a runway beyond which no part of a flying machine or vehicle must project in the direction of the runway without permission from the air traffic control unit at the aerodrome during the notified hours of watch of that unit.

(2) Outside the notified hours of watch of that unit or where there is no air traffic control unit at the aerodrome the markings referred to in paragraph (1) signify the position closest to the runway beyond which no part of a flying machine or vehicle must project in the direction of the runway when the flying machine or vehicle is required to give way to aircraft which are taking off from or landing on that runway.

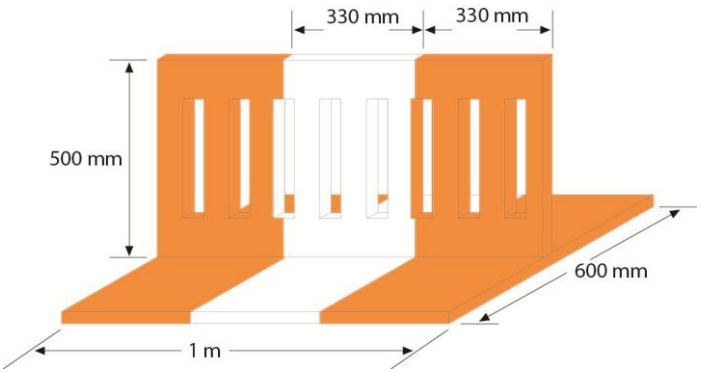
(3) Subject to paragraph (4), a marking, consisting of two yellow, parallel perpendicular lines intersected by horizontal yellow lines, as illustrated in the diagrams in this paragraph—



signifies a holding position other than that closest to the runway beyond which no part of a flying machine or vehicle must project in the direction of the runway without permission from the air traffic control unit at the aerodrome during the notified hours of watch of that unit.

(4) Outside the notified hours of watch of that unit or where there is no air traffic control unit at the aerodrome the marking referred to in paragraph (3) may be disregarded.

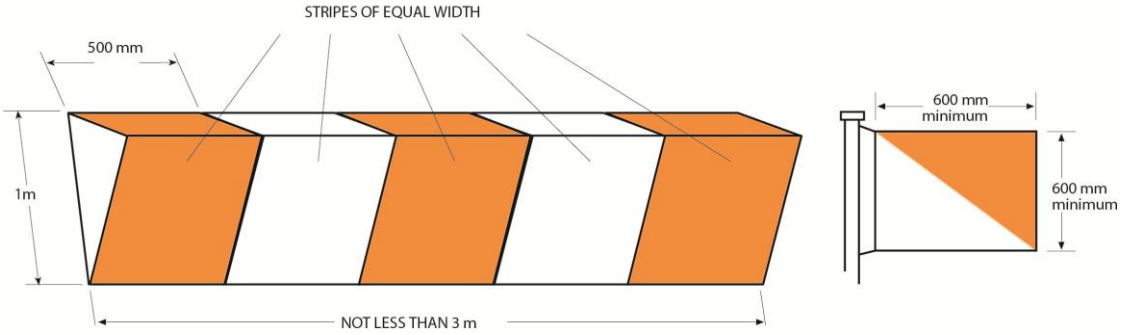
(5) Orange and white markers spaced not more than 15 metres apart, as illustrated in the diagram in this paragraph—



signify the boundary of that part of a paved runway, taxiway or apron which is unfit for the movement of aircraft.

Supplementary markings for use on unpaved manoeuvring areas

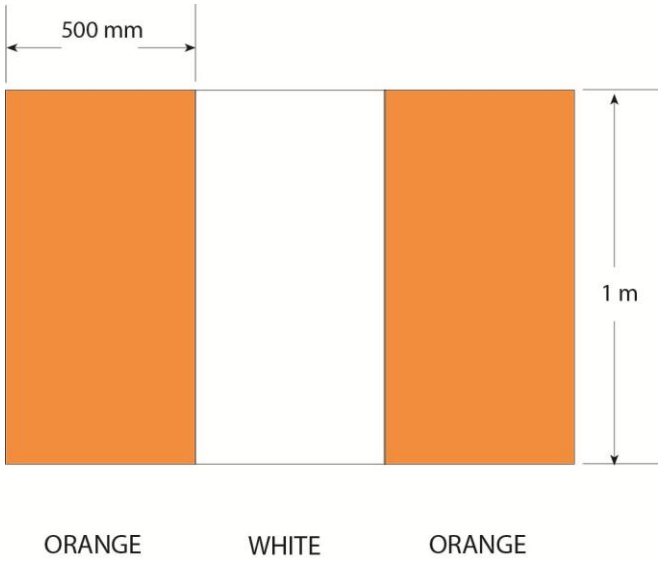
20.—(1) Markers with orange and white stripes of an equal width of 50 centimetres, with an orange stripe at each end, alternating with flags 60 centimetres square showing equal orange and white triangular areas, spaced not more than 90 metres apart, as illustrated in the diagram in this paragraph—



indicate the boundary of an area unfit for the movement of aircraft.

(2) Striped markers, as specified in paragraph (1), spaced not more than 45 metres apart, indicate the boundary of an aerodrome.

(3) On structures markers with orange and white vertical stripes, of an equal width of 50 centimetres, with an orange stripe at each end, spaced not more than 45 metres apart, as illustrated in the diagram in this paragraph—

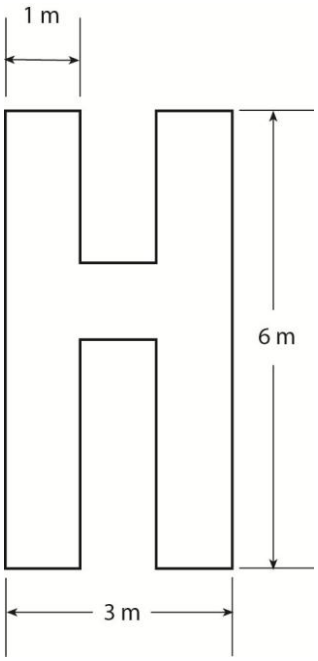


indicate the boundary of an aerodrome.

(4) The pattern of the marker referred to in sub-paragraph (3) must be visible from inside and outside the aerodrome and the marker must be affixed not more than 15 centimetres from the top of the structure.

(5) White, flat, rectangular markers 3 metres long and 1 metre wide, at intervals not exceeding 90 metres, flush with the surface of an unpaved runway or stopway, indicate the boundary of the unpaved runway or stopway.

(6) A white letter H, as illustrated in the diagram in this paragraph—



indicates an area which must be used only for the taking off and landing of helicopters.

(7) A yellow cross with two arms each 6 metres long by 1 metre wide at right angles, indicates that tow ropes, banners and similar articles towed by aircraft must only be picked up and dropped in the area in which the cross is placed.

(8) A white letter 'T', as specified in SERA, Appendix 1, paragraph 3.2.5.1, placed at the left-hand side of a runway (when viewed from the direction of landing), also indicates the runway to be used for take-off and landing.

Signals visible from the ground

21. Black, Arabic numerals in two-figure groups and, where parallel runways are provided, the letter or letters L (left), LC (left centre), C (centre), RC (right centre) and R (right), placed against a yellow background, indicate the direction for take-off or the runway in use.

Section 6

Visual Meteorological Conditions, Visual Flight Rules, Special VFR and Instrument Flight Rules

Classification of airspaces and rules for flight

22. Subject to rule 23, all aircraft must be flown in accordance with the requirements for flight in airspace that have been notified in accordance with the airspace classifications and flight rules specified in SERA.6001 and in Appendix 4 of SERA.

Flight in Class C airspace in VMC

23.—(1) Subject to paragraph (2), an aircraft flying in visual meteorological conditions—

(a) in Class C airspace above flight level 195; or

(b) along a Class C ATS route at any level,

must be flown in accordance with the instrument flight rules([a]).

(2) Paragraph (1) does not apply to an aircraft which is flying in accordance with a permission issued by the CAA.

(3) In this Rule "Class C ATS route" means a route notified as such.

Use of radio navigation aids

24.—(1) Subject to paragraph (2), the commander of an aircraft must not make use of a radio navigation aid without complying with such restrictions and procedures as may be notified in relation to that aid.

(2) The commander of an aircraft is not required to comply with this rule if—

(a) the aircraft is required to comply with an air traffic control clearance issued for the flight; or

(b) the commander is otherwise authorised by an air traffic control unit.

Air traffic control clearance for flights by aircraft without radio equipment

25.—(1) An aircraft without radio equipment must not fly in Class B, Class C or Class D airspace during the notified hours of watch of the appropriate air traffic control unit unless it has been authorised to do so by that unit and complies with the conditions in paragraph (3).

(2) An aircraft without radio equipment and flown in accordance with the instrument flight rules must not fly in Class E airspace during the notified hours of watch of that unit unless it has been authorised to do so by the unit and complies with the conditions in paragraph (3).

(3) The conditions are that the aircraft must—

(a) only fly during the day;

(b) only fly within controlled airspace notified for the purpose of this paragraph;

(c) remain at least 1,500 metres horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 5 km; and

(d) comply with any conditions or requirements specified by the appropriate air traffic control unit.

(a) The instrument flight rules are prescribed by Section 5 of SERA.

Schedule 2

Regulation 4

Revocations

Regulations revoked	*Reference*
The Rules of the Air Regulations 2007	S.I. 2007/734
The Rules of the Air (Amendment) Regulations 2007	S.I. 2007/1371
The Rules of the Air (Amendment) Regulations 2008	S.I. 2008/669
The Rules of the Air (Amendment) Regulations 2009	S.I. 2009/2169
The Rules of the Air (Amendment) Regulations 2010	S.I. 2010/841

SECTION 3

The Air Navigation (General) Regulations 2006

Statutory Instruments

2006 No. 601

Civil Aviation

The Air Navigation (General) Regulations 2006

Made: **6th March 2006**

Coming into force: **30th March 2006**

Arrangement of Regulations

Part 1 General

1. Citation and commencement
2. Revocation
3. Interpretation

Part 2 Load Sheets and Weighing Requirements

4. Particulars of load sheet
5. Weighing requirements—passengers, crew and hand baggage
6. Weighing requirements—hold baggage and cargo
7. Loading—additional provisions

Part 3 Aircraft Performance

8. Aeroplanes to which article 44(5) applies
9. Helicopters to which article 45(1) applies
10. Weight and performance— general provisions

Part 4 Noise and vibration, maintenance and aerodrome facilities

11. Noise and vibration caused by aircraft on aerodromes
12. Pilots maintenance—prescribed repairs or replacements

13. Aeroplanes flying for the purpose of public transport of passengers—aerodrome facilities for approach to landing and landing

Part 5 Mandatory Reporting

14. Reportable occurrences – time and manner of reporting and information to be reported

15. Mandatory reporting of birdstrikes – time and manner of reporting and information to be reported

Part 6 Navigation performance and equipment

16. Minimum navigation performance and height keeping specifications

17. North Atlantic Minimum Navigation Performance Specification Airspace

18. Airborne Collision Avoidance System

19. Mode S Transponder

Schedule 1 Aeroplane performance

Schedule 2 Helicopter performance

The Secretary of State for Transport, in exercise of his powers under articles 16(7)(a), 20(2), 20(4), 42(1)(c)(ii), 43(5), 44(5), 44(6), 45(1), 56(1), 57(1), 58(b), 131(1), 142(6), 143(2) and 155(1) of, and paragraphs 4 and 5(1) of Schedule 5 to, the Air Navigation Order 2005(**a**), makes the following Regulations.

Part 1

General

1 Citation and commencement

These Regulations may be cited as the Air Navigation (General) Regulations 2006, and shall come into force on 30th March 2006.

2 Revocation

The Air Navigation (General) Regulations 2005(b) are revoked.

3 Interpretation

In these Regulations:

(a) "the Order" means the Air Navigation Order 2005;

(b) references to an "article" mean an article of the Order; and

(c) other expressions used in these Regulations shall have the same respective meanings as in the Order.

Part 2

Load Sheets and Weighing Requirements

4 Particulars of load sheet

Every load sheet required by article 43(5) shall contain the following particulars—

(a) the nationality mark of the aircraft to which the load sheet relates, and the registration mark assigned to that aircraft by the CAA;

(b) particulars of the flight to which the load sheet relates;

(c) the total weight of the aircraft as loaded for that flight;

(d) the weights of the several items from which the total weight of the aircraft, as so loaded, has been calculated including in particular the weight of the aircraft prepared for service and the respective total weights of the crew (unless included in the weight of the aircraft prepared for service), passengers, baggage and cargo intended to be carried on the flight;

(e) the manner in which the load is distributed;

(f) the position of the centre of gravity of the aircraft resulting from the particulars mentioned in sub-paragraphs (c), (d) and (e) which may be given approximately if and to the extent that the relevant certificate of airworthiness so permits; and

(g) a certificate at the foot or end of the load sheet, signed by the person referred to in article 43(1) as responsible for the supervision of the loading of the aircraft, that the aircraft has been loaded in accordance with the written instructions furnished to him by the operator of the aircraft pursuant to article 43(1).

Weighing requirements—passengers, crew and hand baggage

5

(1) Subject to paragraph (2), for the purpose of calculating the total weight of the aircraft the respective total weights of the passengers and crew together with their hand baggage entered in the load sheet shall be computed from the actual weight of each person and their hand baggage and for that purpose each person and their hand baggage shall be separately weighed.

(1) The total weights of the passengers and crew together with their hand baggage may, in accordance with paragraphs (3) to (8) and subject to regulation 7, be

calculated at not less than the appropriate weights shown in Tables 1 or 2 and the load sheet shall bear a notation to that effect.

(2) Subject to paragraph (4) where the total number of passenger seats available on an aircraft is 20 or more, the weights for males and females in columns 1 and 2 of Table 1 shall be applicable.

(3) Where the total number of passenger seats available is 30 or more, the "all adult" weights in column 3 of Table 1 may be used for passengers over the age of 12 years.

(4) For the purpose of Table 1, 'holiday charter' means a flight by an aircraft for the carriage of passengers each of whom is carried pursuant to an agreement which provides for carriage by air to a place outside the United Kingdom and back from that place, or from another place to the United Kingdom (whether or not on the same aircraft) and for accommodation at a place outside the United Kingdom.

Table 1

Aircraft with 20 or more passengers			
	Passenger Seats Available		
	20 or more	**30 or more**	
	Column 1	**Column 2**	**Column 3**
	Male	**Female**	**All adult**
Passengers on all flights except holiday charters	88kg	70kg	84kg
Passengers on holiday charters	83gk	69kg	76kg
Children (between 2–12 years) or infants under 2 years of age if occupying a separate seat	35kg	35kg	
Infants under 2 years of age if sharing a seat with an adult	0kg	0kg	
Flight crew	85kg	85kg	
Cabin crew	75kg	75kg	

(5) Where the total number of passenger seats available on an aircraft is 19 or less the weights in Table 2 shall be applicable.

Table 2

Aircraft with fewer than 20 passenger seats			
	Passenger Seats Available		
	1—5	6—9	10—19
Male passengers	104kg	96kg	92kg
Female passengers	86gk	78kg	74kg
Children (between 2-12 years) or infants under 2 years of age if occupying a separate seat	35kg	35kg	35kg
Infants under 2 years of age if sharing a seat with an adult	0kg	0kg	0kg
Flight crew	85kg	85kg	85kg
Cabin crew	75kg	75kg	75kg

(6) On flights where no hand baggage is carried or where such hand baggage is accounted for separately, 6 kg may be deducted from the weight of passengers over 12 years of age when using Table 2.

(7) Where an immersion suit is worn or carried by a passenger or crew member, 3kg shall be added to the appropriate weight shown in Table 1 or 2 in each such case.

Weighing requirements—hold baggage and cargo

6

(1) Subject to paragraph (2), for the purpose of calculating the total weight of the aircraft the respective total weights of the hold baggage and cargo entered in the load sheet shall be computed from the actual weight of each piece of baggage, cargo or cargo container and for that purpose each piece or container shall be separately weighed.

(2) In the case of an aircraft where the total number of passenger seats available is 20 or more, the total weights of the hold baggage may, subject to regulation 7, be calculated at not less than the weights shown in Table 3 and the load sheet shall bear a notation to that effect.

Table 3

Hold Baggage

Journey made by aircraft	Hold baggage per aircraft
Domestic journey	11kg
European journey	13kg
Intercontinental journey	15kg

(3) For the purposes of Table 3:

(4) a ‘domestic journey’ means a journey made by an aircraft which is confined within an area enclosed by rhumb lines joining successively the points shown in Table 4 but excluding any journey to or from Shannon;

Table 4

Domestic journey				
N6100.00	W01100.00		N6100.00	E00200.00
N5105.00	E00200.00		N4930.00	W00400.00
N4930.00	W01100.00		N6100.00	W01100.00

a ‘European journey’ is a journey made by an aircraft, not being a domestic journey, which is confined within an area enclosed by the rhumb lines joining successively the points shown in Table 5;

Table 5

European journey				
N7200.00	E04500.00		N4000.00	E04500.00
N3500.00	E03700.00		N3000.00	E03700.00
N3000.00	W00600.00		N2700.00	W00900.00
N2700.00	W03000.00		N6700.00	W03000.00
N7200.00	W01000.00		N7200.00	E04500.00

an ‘intercontinental journey’ is a journey made by an aircraft which is neither a domestic journey nor a European journey.

7 Loading—additional provisions

(1) If it appears to the person supervising the loading of the aircraft that any of the circumstances described in paragraph (2) arise he shall, if he considers it necessary in the interests of the safety of the aircraft, or if the CAA has so directed in the particular case, require any such person and his hand baggage, passenger or hold baggage, as the case may be, to be weighed for the purpose of the entry to be made in the load sheet.

(2) The circumstances referred to in paragraph (1) are:

(a) any person and his hand baggage to be carried exceeds the weights set out in Tables 1 or 2;

(b) where regulation 5(7) applies, any passenger to be carried exceeds the weights set out in Table 2 as adjusted in accordance with that paragraph; or

(c) any hold baggage to be carried exceeds the weights set out in Table 3.

(3) If any person and his hand baggage, passenger or any hold baggage has been weighed pursuant to paragraph (1), the weights entered in the load sheet shall take account of:

(a) the actual weight of that person and his hand baggage, that passenger or that hold baggage, as the case may be; or

(b) the weight determined in accordance with regulation 5(2) or regulation 6(2), whichever weight shall be the greater.

Part 3

Aircraft performance

8 Aeroplanes to which article 44(5) applies

(1) Aeroplanes to which this regulation applies shall comply with Schedule 1.

(2) This regulation applies to aeroplanes for which the CAA has granted a permission under article 44(5) except any aeroplane flying solely for the purpose of training persons to perform duties in aeroplanes.

9 Helicopters to which article 45(1) applies

(1) Helicopters to which this regulation applies shall comply with Schedule 2.

(2) This regulation applies to helicopters to which article 45(1) applies except any helicopter flying solely for the purpose of training persons to perform duties in helicopters.

10 Weight and performance—general provisions

(1) The assessment of the ability of an aeroplane to comply with the requirements of Schedule 1 and of a helicopter to comply with the requirements of Schedule 2 shall be based on the specified information as to its performance.

(2) In assessing the ability of an aeroplane to comply with sub-paragraphs (9), (12), (15) and (17) of paragraph 1 of Schedule 1, with sub-paragraphs (8) and (12) of paragraph 6 of Schedule 1 and with sub-paragraph (15) of paragraph 7 of Schedule 1, account may be taken of any reduction of the weight of the aeroplane which may be achieved after the failure of a power unit by such jettisoning of fuel as is feasible and prudent in the circumstances of the flight and in accordance with the flight manual relating to the aircraft.

(3) In this Part and in Schedules 1 and 2:

‘specified’ in relation to an aircraft means, unless otherwise stated, specified in, or ascertainable by reference to:

(a) the certificate of airworthiness in force in respect of that aircraft; or

(b) the flight manual or performance schedule for that aircraft;

'the accelerate-stop distance' means the distance from the point on the surface of the aerodrome at which the aeroplane can commence its take-off run to the nearest point in the direction of take-off at which the aeroplane cannot roll over the surface of the aerodrome and be brought to rest in an emergency without the risk of accident;

'the landing distance available' means the distance from the point on the surface of the aerodrome at which the aeroplane can commence its landing, having regard to the obstructions in its approach path, to the nearest point in the direction of landing at which the surface of the aerodrome is incapable of bearing the weight of the aeroplane under normal operating conditions or at which there is an obstacle capable of affecting the safety of the aeroplane;

'the take-off distance available' means either the distance from the point on the surface of the aerodrome at which the aeroplane can commence its take-off run to the nearest obstacle in the direction of take-off projecting above the surface of the aerodrome and capable of affecting the safety of the aeroplane, or one and one half times the take-off run available, whichever is the less;

'the take-off run available' means the distance from the point on the surface of the aerodrome at which the aeroplane can commence its take-off run to the nearest point in the direction of take-off at which the surface of the aerodrome is incapable of bearing the weight of the aeroplane under normal operating conditions.

(4) For the purposes of Schedules 1 and 2:

(a) the weight of the aircraft at the commencement of the take-off run or of the take-off shall be taken to be its gross weight including everything and everyone carried in or on it at the commencement of the take-off run or of the take-off;

(b) the landing weight of the aircraft shall be taken to be the weight of the aircraft at the estimated time of landing allowing for the weight of the fuel and oil expected to be used on the flight to the aerodrome of intended destination or any alternate aerodrome, as the case may be;

(c) where any distance referred to in paragraph (3) has been declared in respect of any aerodrome by the authority responsible for regulating air navigation over the territory of the Contracting State in which the aerodrome is situated, and in the case of an aerodrome in the United Kingdom, notified, that distance shall be deemed to be the relevant distance.

Part 4

Noise and vibration, maintenance and aerodrome facilities

11 Noise and vibration caused by aircraft on aerodromes

For the purposes of article 131(1), the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, licensed aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft, shall be as follows:

(a) the aircraft is taking off or landing; or

(b) the aircraft is moving on the ground or water; or

(c) the engines are being operated in the aircraft;

(d) for the purpose of ensuring their satisfactory performance;

(e) for the purpose of bringing them to a proper temperature in preparation for, or at the end of, a flight; or

(f) for the purpose of ensuring that the instruments, accessories or other components of the aircraft are in a satisfactory condition.

12 Pilots maintenance—prescribed repairs or replacements

For the purposes of article 16(7)(a), the following repairs or replacements are prescribed:

(a) replacement of landing gear tyres, landing skids or skid shoes;

(b) replacement of elastic shock absorber cord units on landing gear where special tools are not required;

(c) replacement of defective safety wiring or split pins excluding those in engine, transmission, flight control and rotor systems;

(d) patch-repairs to fabric not requiring rib stitching or the removal of structural parts or control surfaces, if the repairs do not cover up structural damage and do not include repairs to rotor blades;

(e) repairs to upholstery and decorative furnishing of the cabin or cockpit interior when repair does not require dismantling of any structure or operating system or interfere with an operating system or affect the structure of the aircraft;

(f) repairs, not requiring welding, to fairings, non-structural cover plates and cowlings;

(g) replacement of side windows where that work does not interfere with the structure or with any operating system;

(h) replacement of safety belts or safety harnesses;

(i) replacement of seats or seat parts not involving dismantling of any structure or of any operating system;

(j) replacement of bulbs, reflectors, glasses, lenses or lights;

(k) replacement of any cowling not requiring removal of the propeller, rotors or disconnection of engine or flight controls;

(l) replacement of unserviceable sparking plugs;

(m) replacement of batteries;

(n) replacement of wings and tail surfaces and controls, the attachments of which are designed to provide for assembly immediately before each flight and dismantling after each flight;

(o) replacement of main rotor blades that are designed for removal where special tools are not required;

(p) replacement of generator and fan belts designed for removal where special tools are not required;

(q) replacement of VHF communication equipment, being equipment which is not combined with navigation equipment.

13 Aeroplanes flying for the purpose of public transport of passengers— aerodrome facilities for approach to landing and landing

(1) This regulation shall apply to every aeroplane registered in the United Kingdom engaged on a flight for the purpose of public transport of passengers on a scheduled journey and to every aeroplane so registered whose maximum total weight authorised exceeds 5,700 kg engaged on a flight for such a purpose otherwise than on a scheduled journey.

(2) For the purposes of article 42(1)(c)(ii), the following manning and equipment are prescribed in relation to aerodromes intended to be used for landing or as an alternate aerodrome by aircraft to which this regulation applies—

(a) air traffic control service or aerodrome flight information service, including the reporting to aircraft of the current meteorological conditions at the aerodrome;

(b) very high frequency radiotelephony;

(c) at least one of the following radio navigation aids, either at the aerodrome or elsewhere, and in either case for the purpose of assisting the pilot in locating the aerodrome and in making an approach to landing there:

(i) radio direction finding equipment utilising emissions in the very high frequency bands;

(ii) a non-directional radio beacon transmitting signals in the low or medium frequency bands;

(iii) very high frequency omni-directional radio range;

(iv) radar equipment.

(3) Subject to paragraph (4), an aircraft to which this regulation applies shall not land or make an approach to landing at any aerodrome unless:

(a) one of the services and the equipment prescribed by paragraph (2) are provided and are in operation at that aerodrome;

(b) such services and equipment can be made use of by that aircraft; and

(c) in the case of the navigation aids specified in paragraph (2)(c), instructions and procedures for the use of the aid are included in the operations manual relating to the aircraft.

(4) A person shall be deemed not to have contravened paragraph (3) if he proves that:

(a) for the time being use could not be made of the radio navigation aids provided under paragraph (2)(c) whether by reason of those aids not being in operation or of the unserviceability of equipment in the aircraft itself; and

(b) the approach to landing was made in accordance with instructions and procedures appropriate to that circumstance and included in the operations manual relating to the aircraft.

Part 5

Mandatory reporting

14 Reportable occurrences – time and manner of reporting and information to be reported

(1) For the purposes of article 142(6) but subject to paragraph (2) it is prescribed that a report containing the information referred to in paragraph (3) shall be made to the CAA by post, telex, electronic, facsimile transmission or other similar means which produces a document containing a text of the

communication (written in English) within 96 hours of the reportable occurrence coming to the knowledge of the person making the report.

(2) If at the expiry of the time allowed by paragraph (1) for making the report any of the information referred to in that paragraph is not in the possession of the person making the report, he shall despatch the report to the CAA by post, telex, electronic, facsimile transmission or other similar means which produces a document containing a text of the communication (written in English) within 96 hours of the information coming into his possession.

(3) For the purposes of article 142(6), a report shall, as far as possible, contain the following information—

(a) the type, series and registration marks of the aircraft concerned;

(b) the name of the operator of the aircraft;

(c) the date of the reportable occurrence;

(d) if the person making the report has instituted an investigation into the reportable occurrence, whether or not this has been completed;

(e) a description of the reportable occurrence, including its effects and any other relevant information;

(f) in the case of a reportable occurrence which occurs during flight:

(i) the Co-ordinated Universal Time of the occurrence;

(ii) the last point of departure and the next point of intended landing of the aircraft at that time; and

(iii) the geographical position of the aircraft at that time;

(g) in the case of a defect in or malfunctioning of an aircraft or any part or equipment of an aircraft, the name of the manufacturer of the aircraft, part or equipment, as the case may be, and, where appropriate, the part number and modification standard of the part or equipment and its location on the aircraft;

(h) the signature and name in block capitals of the person making the report, the name of his employer and the capacity in which he acts for that employer; and

(i) in the case of a report made by the commander of an aircraft or a person referred to in sub-paragraphs (f), (g) or (h) of article 142(5), the address or telephone number at which communications should be made to him, if different from that of his place of employment.

15 Mandatory reporting of birdstrikes – time and manner of reporting and information to be reported

(1) Subject to paragraph (2), for the purposes of article 143(2) a report containing the information referred to in paragraph (3) shall be made to the CAA by post, telex, electronic, facsimile transmission or other similar means which produce a document containing a text of the communication (written in English) within 96 hours of the birdstrike occurrence coming to the knowledge of the person making the report.

(2) If at the expiry of the time allowed by paragraph (1) for making the report any of the information referred to in that paragraph is not in the possession of the person making the report, he shall despatch the report to the CAA by post, telex, electronic, facsimile transmission or other similar means which produce a document containing a text of the communication (written in English) within 96 hours of the information coming into his possession.

(3) For the purposes of article 143(2) a report shall, as far as possible, contain the following information:

(a) the type, series and registration marks of the aircraft concerned;

(b) the name of the operator of the aircraft;

(c) the date and the Co-ordinated Universal Time of the birdstrike occurrence;

(d) the last point of departure and the next point of intended landing of the aircraft at that time;

(e) a description of the birdstrike occurrence, including the part(s) of the aircraft affected, the effect on flight and any other relevant information;

(f) the bird species/description;

(g) the weather at the time of the occurrence;

(h) the runway in use (where relevant);

(i) the height and speed of the aircraft;

(j) the phase of flight;

(k) the position (if en route) of the aircraft at the time of the birdstrike;

(l) any other reporting action taken;

(m) the signature and name in block capitals of the person making the report;

(n) the name of his employer and the capacity in which he acts for that employer; and

(o) the address or telephone number at which communications should be made to him.

Part 6

Navigation performance and equipment

16 Minimum navigation performance and height keeping specifications

(1) For the purposes of article 56(1) the following navigation performance capability is prescribed, that is to say, a capability to ensure that—

(a) the standard deviation of lateral errors in the track of the aircraft is not more than 6.3 nautical miles;

(b) the proportion of the flight time of the aircraft during which the actual track of the aircraft is 30 nautical miles or more off the track along which it has been given an air traffic control clearance to fly is less than 5.3 × 10-4, and;

(c) the proportion of the flight time of the aircraft during which the actual track of the aircraft is between 50 and 70 nautical miles off the track along which it has been given an air traffic control clearance to fly is less than 13 × 10-5.

(2) For the purposes of article 57(1), the following height keeping performance capability is prescribed, that is to say, a capability to ensure that—

(a) altimetry system error shall be in compliance with paragraph 2.1.1(2) of Document 7030/4-NAT Part 1 Rules of the Air, Air Traffic Services and Search and Rescue (ICAO Regional Procedures, Fourth Edition–1987);

(b) in respect of aircraft first registered in a Contracting State on or after 1st January 1997 altitude can be automatically controlled within a tolerance band of + / - 65 feet; and

(c) in respect of aircraft first registered in a Contracting State before 1st January 1997 altitude can be automatically controlled within a tolerance band of + / - 130 feet.

17 North Atlantic Minimum Navigation Performance Specification Airspace

For the purposes of articles 56(1) and 155(1), the following airspace is prescribed as North Atlantic Minimum Navigation Performance Specification airspace, that is to say, the airspace from flight level 285 to flight level 420 within the area defined by rhumb lines joining successively the following points:

North Atlantic Minimum		Navigation Performance		Specification airspace	
N3410.00	W01748.00	North Pole		N4152.00	W06700.00
N3630.00	W01500.00	N8200.00	W06000.00	N3900.00	W06700.00
N4200.00	W01500.00	N7800.00	W07500.00	N3835.00	W06853.00
N4300.00	W01300.00	N7600.00	W07600.00	N3830.00	W06915.00
N4500.00	W01300.00	N6500.00	W05745.00	N3830.00	W06000.00
N4500.00	W00800.00	N6500.00	W06000.00	N2700.00	W06000.00
N5100.00	W00800.00	N6400.00	W06300.00	N2700.00	W04000.00
N5100.00	W01500.00	N6100.00	W06300.00	N2218.00	W04000.00
N5400.00	W01500.00	N5700.00	W05900.00	N1700.00	W03730.00
N5434.00	W01000.00	N5300.00	W05400.00	N2400.00	W02500.00
N6100.00	W01000.00	N4900.00	W05100.00	N3000.00	W02500.00
N6100.00	00000.00	N4500.00	W05100.00	N3000.00	W02000.00
N8200.00	00000.00	N4500.00	W05300.00	N3139.00	W01725.00
N8200.00	E03000.00	N4336.00	W06000.00		

and from there by that part of the arc of a circle radius 100 nautical miles centred on N3304.00 W01621.00 to N3410.00 W01748.00.

18 Airborne Collision Avoidance System

For the purposes of paragraph 5(1) of Schedule 5 to the Order the prescribed requirements for an airborne collision avoidance system shall be the requirements for ACAS II equipment set out in Volume IV (Third Edition–July 2002), Chapter 4, of Annex 10 to the Chicago Convention.

19 Mode S Transponder

(1) For the purposes of paragraph 4 of Schedule 5 to the Order, the capability and functionality prescribed for Mode S Elementary Surveillance shall be that specified for a level 2 transponder in Volumes III (First Edition–July 1995) and IV (Third Edition–July 2002) of Annex 10 (Third Edition) to the Chicago Convention together with the additional functionality specified in paragraph (3).

(2) For the purposes of paragraph 4 of Schedule 5 to the Order, the capability and functionality prescribed for Mode S Enhanced Surveillance shall be that specified for a level 2 transponder in Volumes III (First Edition–July 1995) and IV (Third Edition–July 2002) of Annex 10 (Third Edition) to the Chicago Convention together with the additional functionality specified in paragraph (3) and the additional downlinked parameters specified in paragraph (4).

(3) The additional functionality referred to in paragraphs (1) and (2) is—

(a) capability to support the Interrogator Identifier (II) Code and Surveillance Identifier (SI) Code functionality;

(b) Extended Squitter Functionality which, for this purpose, means functionality that supports Mode S Elementary Surveillance and Mode S Enhanced Surveillance to provide Automatic Dependant Surveillance–Broadcast, using unsolicited transponder broadcasts;

(c) ACAS Active Resolution Advisory.

(4) The additional downlinked parameters referred to in paragraph (2) are—

(a) reporting of the Magnetic Heading Downlinked Aircraft Parameter;

(b) reporting of the Indicated Airspeed Downlinked Aircraft Parameter;

(c) reporting of the Mach Number Downlinked Aircraft Parameter;

(d) reporting of the Vertical Rate Downlinked Aircraft Parameter;

(e) reporting of the Roll Angle Downlinked Aircraft Parameter;

(f) reporting of the Track Angle Rate Downlinked Aircraft Parameter;

(g) reporting of the True Track Angle Downlinked Aircraft Parameter;

(h) reporting of the Ground Speed Downlinked Aircraft Parameter;

(i) reporting of the Selected Vertical Intent Downlinked Aircraft Parameter (including Barometric Pressure Setting).

Signed by authority of the Secretary of State for Transport

Karen Buck
Parliamentary Under Secretary of State Department for Transport

6th March 2006

Schedule 1

Aeroplane performance

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1 Weight and performance of public transport aeroplanes specified as aeroplanes of performance group A or performance group B

(1) 1For the purposes of article 44(6) an aeroplane registered in the United Kingdom, in respect of which there is in force under article 44(5) a permission specifying the aeroplane as being of performance group A or performance group B, shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the take-off run is such that the requirements of sub-paragraphs (2), (3), (5), (9), (12) , (15), (17), (18) and (19) are met.

(2) That weight shall not exceed the maximum take-off weight specified for the altitude and the air temperature at the aerodrome at which the take-off is to be made.

(3) Subject to sub-paragraph (4), the take-off run, take-off distance and the accelerate–stop distance respectively required for take-off, specified as being appropriate to:

(a) the weight of the aeroplane at the commencement of the take-off run;

(b) the altitude at the aerodrome;

(c) the air temperature at the aerodrome;

(d) the condition of the surface of the runway from which the take-off will be made;

(e) the slope of the surface of the aerodrome in the direction of take-off over the take-off run available, the take-off distance available and the accelerate–stop distance available, respectively; and

(f) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off,

shall not exceed the take-off run, the take-off distance and the accelerate–stop distance available, respectively, at the aerodrome at which the take-off is to be made.

(4) In ascertaining the accelerate-stop distance available required pursuant to sub-paragraph (3), the point at which the pilot is assumed to decide to discontinue the take-off shall not be nearer to the start of the take-off run than the point at which, in ascertaining the take-off run required and the take-off distance required, he is assumed to decide to continue the take-off, in the event of power unit failure.

(5) Subject to sub-paragraphs (6), (7) and (8), the net take-off flight path of the aeroplane with one power unit inoperative, specified as being appropriate to:

(a) the weight of the aeroplane at the commencement of the take-off run;

(b) the altitude at the aerodrome;

(c) the air temperature at the aerodrome;

(d) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off,

which is plotted from a point 35 feet above the end of the take-off distance required at the aerodrome at which the take-off is to be made to a height of 1,500 feet above the aerodrome, shall show that the aeroplane will clear any obstacle in its path by a vertical interval of at least 35 feet.

(6) If it is intended that the aeroplane shall change its direction of flight by more than 15° before reaching 1,500 feet above the aerodrome the net take-off flight path of the aeroplane referred to in sub-paragraph (5) shall:

(a) be plotted from a point 50 feet above the end of the take-off distance required at the aerodrome at which the take-off is to be made to a height of 1,500 feet above the aerodrome; and

(b) show that the aeroplane will clear any obstacle in its path by a vertical interval of at least 50 feet during the change of direction.

(7) For the purpose of sub-paragraphs (5) and (6) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight of the aeroplane does not exceed:

(a) a distance of 60 metres plus half the wing span of the aeroplane plus one eighth of the distance from such point to the end of the take-off distance available measured along the intended line of flight of the aeroplane; or

(b) 900 metres,

whichever is least.

(8) In assessing the ability of the aeroplane to satisfy sub-paragraphs (5) and (6), it shall not be assumed the aeroplane will make a change of direction of a radius less than the specified radius of steady turn.

(9) Subject to sub-paragraphs (10) and (11), the aeroplane shall:

(a) in the meteorological conditions expected for the flight;

(b) in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion from it; and

(c) with the other power unit or units operating within the specified maximum continuous power conditions,

be capable of continuing the flight, clearing obstacles within 10 nautical miles either side of the intended track by a vertical interval of at least 2,000 feet, to an aerodrome at which it can comply with sub-paragraph (19); and on arrival over such aerodrome the gradient of the specified net flight path with one power unit inoperative shall not be less than zero at 1,500 feet above the aerodrome.

(10) In assessing the ability of the aeroplane to satisfy sub-paragraph (9) it shall not be assumed to be capable of flying at an altitude exceeding the specified maximum permissible altitude for power unit restarting.

(11) If the operator of the aeroplane is satisfied, taking into account the navigation aids which can be made use of by the aeroplane on the route, that the commander of the aeroplane will be able to maintain his intended track on that route within a margin of 5 nautical miles, sub-paragraph (9) shall have effect as if 5 nautical miles were substituted for 10 nautical miles.

(12) Subject to sub-paragraphs (13) and (14), if the aeroplane has three or more power units, it shall:

(a) in the meteorological conditions expected for the flight; and

(b) in the event of any two power units becoming inoperative at any point:

(c) along the route; or

(d) on any planned diversion from the route which is more than 90 minutes flying time in still air, at the all power units operating economical cruise speed, from the nearest aerodrome at which it can comply with sub-paragraph (19),

be capable of continuing the flight with all other power units operating within the specified maximum continuous power conditions, clearing by a vertical interval of at least 2,000 feet obstacles within 10 nautical miles either side of the intended track to such an aerodrome; and on arrival over such an aerodrome the gradient of the specified net flight path with two power units inoperative shall not be less than zero at 1,500 feet above the aerodrome.

(13) In assessing the ability of the aeroplane to satisfy sub-paragraph (12) it shall not be assumed to be capable of flying at an altitude exceeding the specified maximum permissible altitude for power unit restarting.

(14) If the operator of the aeroplane is satisfied, taking into account the navigation aids which can be made use of by the aeroplane on the route, that the commander of the aeroplane will be able to maintain his intended track on that

route within a margin of 5 nautical miles, sub-paragraph (12) shall have effect as if 5 nautical miles were substituted for 10 nautical miles.

(15) Subject to sub-paragraph (16), if the aeroplane:

(a) has two power units and a maximum total weight authorised which exceeds 5,700 kg; and

(b) is not limited by its certificate of airworthiness to the carriage of less than 20 passengers,

it shall, in the meteorological conditions expected for the flight, be not more than 60 minutes flying time, at the normal one engine inoperative cruise speed in still air, from the nearest aerodrome at which it can comply with sub-paragraph (19) at any point along the route or any planned diversion from it.

(16) Sub-paragraph (15) shall not apply to an aeroplane flying under, and in accordance with, the terms of a written permission granted by the CAA to the operator under this sub-paragraph.

(17) If the aeroplane has:

(a) two power units and a maximum total weight authorised of 5,700kg or less; or

(b) two power units and a maximum total weight authorised of more than 5,700kg but is limited by its certificate of airworthiness to the carriage of less than 20 passengers,

it shall, in the meteorological conditions expected for the flight, be not more than 90 minutes flying time in still air, at the all power units operating economical cruise speed, from the nearest aerodrome at which it can comply with sub-paragraph (19).

(18) The landing weight of the aeroplane shall not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome of intended destination and at any alternate aerodrome.

(19) Subject to sub-paragraphs (20) and (21), the landing distances required for an aeroplane powered by turbine-jet, turbine propeller or piston engines, respectively specified as being appropriate to:

(a) the aerodrome of intended destination; and

(b) any alternate aerodrome,

shall not exceed the landing distance available on the most suitable runway for a landing in still air conditions and the landing distance available on the runway

that may be required for landing because of the forecast wind conditions at the aerodrome of intended destination or any alternate aerodrome.

(20) If an alternate aerodrome is designated in the flight plan, the specified landing distance required may be that appropriate to that alternate aerodrome when assessing the ability of the aeroplane to satisfy sub-paragraph (19) at the aerodrome of intended destination.

(21) For the purposes of sub-paragraphs (19) and (20) the specified landing distance required shall be that specified as being appropriate to:

(a) the landing weight;

(b) the altitude of the aerodrome;

(c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;

(d) a level surface in the case of runways usable in both direction; or the average slope of the runway in the case of runways usable in only one direction; and

(e) still air conditions in the case of the most suitable runway for a landing in still air conditions and not more than 50 per cent. of the forecast wind component opposite to the direction of landing or not less than 150 per cent. of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

2 Weight and performance of public transport aeroplanes specified as aeroplanes of performance group C

(1) For the purposes of article 44(6), an aeroplane registered in the United Kingdom in respect of which there is in force under article 44(5) a permission specifying the aeroplane as being of performance group C shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the take-off run is such that the requirements of subparagraphs (2), (3), (4), (8), (12), (14), (15) or, as an alternative to sub-paragraph (15), (17) are met.

(2) The weight of the aeroplane shall not exceed the maximum take-off weight specified for the altitude and the air temperature at the aerodrome at which the take-off is to be made.

(3) The take-off run required and the take-off distance required, specified as being appropriate to:

(a) the weight of the aeroplane at the commencement of the take-off run;

(b) the altitude at the aerodrome;

(c) the air temperature at the aerodrome;

(d) the average slope of the surface of the aerodrome in the direction of take-off over the accelerate-stop distance available; and

(e) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off,

shall not exceed the take-off run available and the accelerate-stop distance available, respectively, at the aerodrome at which the take-off is to be made.

(4) Subject to sub-paragraphs (5), (6) and (7), the net take-off flight path of the aeroplane, with all power units operating, specified as being appropriate to:

(a) the weight of the aeroplane at the commencement of the take-off run;

(b) the altitude of the aerodrome;

(c) the air temperature at the aerodrome;

(d) not more than 50 per cent. of the reported wind component opposite to the direction of the take-off or not less than 150 per cent. of the reported wind component in the direction of take-off,

which is plotted from a point 50 feet above the end of the take-off distance required at the aerodrome at which the take-off is to be made to a height of 1,500 feet above the aerodrome, shall show that the aeroplane will clear any obstacle in its path by a vertical interval of not less than 35 feet.

(5) If it is intended that the aeroplane shall change its direction of flight by more than 15° before reaching 1,500 feet above the aerodrome the vertical interval referred to in sub-paragraph (4) shall be not less than 50 feet during the change of direction.

(6) For the purpose of sub-paragraph (4) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight of the aeroplane does not exceed 75 metres.

(7) In assessing the ability of the aeroplane to satisfy sub-paragraph (4), it shall not be assumed the aeroplane will make a change of direction of a radius less than the specified radius of steady turn.

(8) Subject to sub-paragraphs (9), (10) and (11), if the aeroplane is intended to be flown for any period before reaching a height of 1,500 feet above the aerodrome from which the take-off is to be made in conditions which will not ensure that

any obstacles can be located by means of visual observation, the net take-off flight path of the aeroplane, with one power unit inoperative, which is:

(a) specified as being appropriate to the factors contained in paragraphs (a) to (d) of subparagraph (4); and

(b) plotted from the point of the net take-off flight path, with all power units operating specified as being appropriate to those factors at which, in the meteorological conditions expected for the flight, the loss of visual reference would occur,

shall show that the aeroplane will clear by a vertical interval of not less than 35 feet any obstacle in its path.

(9) If it is intended that the aeroplane shall change its direction of flight by more than 15° before reaching 1,500 feet above the aerodrome the vertical interval referred to in sub-paragraph (8) shall not be less than 50 feet during the change of direction.

(10) For the purpose of sub-paragraph (8) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight of the aeroplane does not exceed:

(a) 75 metres plus one-eighth of the distance from such point to the end of the accelerate-stop distance available measured along the intended line of flight of the aeroplane; or

(b) 900 metres,

whichever is least.

(11) In assessing the ability of the aeroplane to satisfy sub-paragraph (8) it shall not be assumed the aeroplane will make a change of direction of a radius of less than the specified radius of steady turn.

(12) Subject to sub-paragraph (13), the aeroplane shall:

(a) at any time after it reaches a height of 1,500 feet above the aerodrome from which the take-off is made;

(b) in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion from it;

(c) with the other power unit or power units operating within the specified maximum continuous power conditions; and

(d) in the meteorological conditions expected for the flight,

be capable of continuing the flight at altitudes not less than the relevant minimum altitude for safe flight stated in, or calculated from the information contained in, the operations manual relating to the aeroplane to a point 1,500

feet above an aerodrome at which a safe landing can be made; and after arrival at that point shall be capable of maintaining that height.

(13) In assessing the ability of the aeroplane to satisfy sub-paragraph (12) it shall not be assumed to be capable of flying at any point on its route at an altitude exceeding the performance ceiling, with all power units operating, specified as being appropriate to its estimated weight at that point.

(14) The landing weight of the aeroplane shall not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome of intended destination and at any alternate aerodrome.

(15) Subject to sub-paragraphs (16) and (17), the distance required by the aeroplane to land from a height of 50 feet above the threshold of the runway, otherwise than in accordance with specified data for short field landing, at:

(a) the aerodrome of intended destination; and

(b) any alternate aerodrome,

shall not exceed 70 per cent. of the landing distance available on the most suitable runway for a landing in still air conditions and 70 per cent. of the landing distance available on the runway that may be required for landing because of the forecast wind conditions.

(16) For the purposes of sub-paragraph (15) the distance required to land from a height of 50 feet above the threshold of the runway shall be taken to be that specified as being appropriate to:

(a) the landing weight;

(b) the altitude at the aerodrome;

(c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;

(d) the level surface in the case of runways usable in both directions or the average slope of the runway in the case of runways usable in only one direction;

(e) still air conditions in the case of the most suitable runway for landing in still air conditions; and

(f) not more than 50 per cent. of the forecast wind component opposite to the direction of landing or not less than 150 per cent. of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

(17) As an alternative to sub-paragraph (15) but subject to sub-paragraphs (18), (19) and (20) the distance required by the aeroplane to land in accordance with specified data for short field landing, with all power units operating or with one power unit inoperative at:

(a) the aerodrome of intended destination; and

(b) any alternate aerodrome,

shall not exceed the landing distance available on the most suitable runway for a landing in still air conditions and the landing distance available on the runway that may be required for landing because of the forecast wind conditions.

(18) For the purposes of sub-paragraph (17) the distance required to land from the appropriate height shall be taken to be that specified as being appropriate to the factors set forth in paragraphs (a) to (e) of sub-paragraph (16) and, subject to sub-paragraph (19), the appropriate height shall be:

(a) for a landing with all power units operating—any height between 30 and 50 feet above the threshold of the runway in the United Kingdom, and 50 feet above the threshold of the runway elsewhere; and

(b) for a landing with one power unit inoperative—50 feet above the threshold of the runway in both the United Kingdom and elsewhere.

(19) If the specified distance required to land with one power unit inoperative from a height of 50 feet above the threshold of the runway at the aerodrome of intended destination exceeds the landing distance available, it shall be sufficient compliance with paragraph (b) of sub-paragraph (18) if an alternate aerodrome, which has available the specified landing distance required to land with one power unit inoperative from such a height, is designated in the flight plan.

(20) The distance required by the aeroplane to land shall be determined in accordance with subparagraph (15), and not in accordance with sub-paragraph (17), if either:

(a) it is intended to land at night; or

(b) it is intended to land when the cloud ceiling or ground visibility forecast for the estimated time of landing at the aerodrome of intended destination, and at any alternate aerodrome at which it is intended to land in accordance with specified data for short field landing with all power units operating, are less than 500 feet and one nautical mile respectively.

3 Weight and performance of public transport aeroplanes specified as aeroplanes of performance group D

(1) For the purposes of article 44(6) and subject to sub-paragraph (13), an aeroplane registered in the United Kingdom, in respect of which there is in force

under article 44(5) a permission specifying the aeroplane as being of performance group D, shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the take-off run is such that the requirements of sub-paragraphs (2), (3), (4), (8), (10) and (11) are met.

(2) That weight shall not exceed the maximum take-off weight specified for the altitude and air temperature at the aerodrome at which the take-off is to be made.

(3) The take-off run required and the take-off distance required specified as being appropriate to:

(a) the weight of the aeroplane at the commencement of the take-off run;

(b) the altitude of the aerodrome;

(c) the air temperature at the aerodrome;

(d) the average slope of the surface of the aerodrome in the direction of take-off over the accelerate-stop distance available; and

(e) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off,

shall not exceed the take-off run available and the accelerate-stop distance available, respectively, at the aerodrome at which the take-off is to be made.

(4) Subject to sub-paragraphs (5), (6) and (7), the net take-off flight path with all power units operating, specified as being appropriate to:

(a) the weight of the aeroplane at the commencement of the take-off run;

(b) the altitude at the aerodrome;

(c) the air temperature at the aerodrome; and

(d) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off,

which is plotted from a point of 50 feet above the end of the take-off distance required at the aerodrome at which the take-off is to be made to the point at which the aeroplane reaches a height of 1,000 feet above the aerodrome, shall show that the aeroplane will clear any obstacle in its path by a vertical interval of not less than 35 feet.

(5) If it is intended that the aeroplane will change its direction of flight by more than 15° before reaching 1,000 feet above the aerodrome the vertical interval

referred to in paragraph (4) shall be not less than 50 feet during the change of direction

(6) For the purpose of sub-paragraph (4) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight of the aeroplane does not exceed 75 metres.

(7) In assessing the ability of the aeroplane to satisfy sub-paragraph (4) it shall not be assumed to make a change of direction of a radius less than the specified radius of steady turn.

(8) Subject to sub-paragraph (9), the aeroplane shall:

(a) at any time after it reaches a height of 1,000 feet above the aerodrome from which the take-off is to be made;

(b) in the meteorological conditions expected for the flight;

(c) in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion from it; and

(d) with the other power unit or power units, if any, operating within the maximum specified continuous power conditions,

be capable of continuing the flight at altitudes not less than the relevant minimum altitudes for safe flight stated in, or calculated from the information contained in, the operations manual relating to the aeroplane to a point 1,000 feet above a place at which a safe landing can be made.

(9) In assessing the ability of the aeroplane to satisfy sub-paragraph (8) it shall not be assumed to be capable of flying at any point on its route at an altitude exceeding the performance ceiling with all power units operating specified as being appropriate to its estimated weight at that point.

(10) The landing weight of the aeroplane shall not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome of intended destination and at any alternate aerodrome.

(11) Subject to sub-paragraph (12), the distance required by the aeroplane to land from a height of 50 feet above the threshold of the runway at—

(a) the aerodrome of intended destination; and

(b) any alternate aerodrome,

shall not exceed 70 per cent. of the landing distance available on the most suitable runway for a landing in still air conditions and 70 per cent. of the

landing distance available on the runway that may be required for landing because of the forecast wind conditions.

(12) For the purposes of sub-paragraph (11) the distance required to land from a height of 50 feet above the threshold of the runway shall be taken to be that specified as being appropriate to:

(a) the landing weight;

(b) the altitude at the aerodrome;

(c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;

(d) a level surface in the case of runways usable in both directions or the average slope of the runway in the case of runways usable in only one direction; and

(e) still air conditions in the case of the most suitable runway for a landing in still air conditions and not more than 50 per cent. of the forecast wind component opposite to the direction of landing or not less than 150 per cent. of the forecast wind component in the direction of landing in the case of the runway that may be required for the landing because of the forecast wind conditions.

(13) An aeroplane specified by a permission granted under article 44(5) as an aeroplane of performance group D shall not fly for the purpose of public transport:

(a) at night; or

(b) when the cloud ceiling or visibility prevailing at the aerodrome of departure or forecast for the estimated time of landing at the aerodrome of intended destination or at any alternate aerodrome are less than 1,000 feet and one nautical mile respectively.

4 Weight and performance of public transport aeroplanes specified as aeroplanes of performance group E

(1) For the purposes of article 44(6) and subject to sub-paragraph (11), an aeroplane registered in the United Kingdom, in respect of which there is in force under article 44(5) a permission specifying the aeroplane as being of performance group E, shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the take-off run is such that the requirements of sub-paragraphs (2), (3), (5), (8) and (9) are met.

(2) The weight for the altitude and the air temperature at the aerodrome at which the take-off is to be made shall not exceed the maximum take-off weight specified as being appropriate to:

(a) the weight at which the aeroplane is capable of a rate of climb of 700 feet per minute if it has retractable landing gear and of 500 feet per minute if it has fixed landing gear, in the en route configuration and with all power units operating within the specified maximum continuous power conditions; and

(b) the weight at which the aeroplane is capable, with one power unit inoperative, of a rate of climb of 150 feet per minute in the en route configuration and if it is necessary for it to be flown solely by reference to instruments for any period before reaching the minimum altitude for safe flight on the first stage of the route to be flown, as stated in, or calculated from, the information contained in the operations manual relating to the aeroplane.

(3) Subject to sub-paragraph (4), with all power units operating within the maximum take-off power conditions specified and when multiplied by a factor of 1.33 the distance required by the aeroplane to attain a height of 50 feet shall not exceed the accelerate-stop distance available at the aerodrome at which the take-off is to be made.

(4) For the purposes of sub-paragraph (3) the distance required by the aeroplane to attain a height of 50 feet shall be that appropriate to:

(a) the weight of the aeroplane at the commencement of the take-off run;

(b) the altitude at the aerodrome;

(c) the air temperature at the aerodrome; and

(d) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off.

(5) Subject to sub-paragraphs (6) and (7), the aeroplane shall:

(a) after the aeroplane reaches a height of 1,000 feet above the aerodrome from which takeoff is to be made;

(b) in the meteorological conditions expected for the flight; and

(c) in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion from such route, and with the other power unit or units, if any, operating within the specified maximum continuous power conditions,

be capable of continuing the flight at altitudes not less than the relevant minimum altitude for safe flight stated in, or calculated from the information

contained in, the operations manual relating to the aeroplane to a point 1,000 feet above a place at which a safe landing can be made.

(6) In assessing the ability of the aeroplane to satisfy sub-paragraph (5) it shall not be assumed to be capable of flying at any point on its route, or on any planned diversion from such route, at an altitude exceeding that at which it is capable of a rate of climb, with all power units operating within the maximum continuous power conditions specified, of 150 feet per minute.

(7) For the purposes of sub-paragraph (5) if it is necessary for the aircraft to be flown solely by reference to instruments, it shall be assumed to be capable, with one power unit inoperative, of a rate of climb of 100 feet per minute.

(8) The landing weights of the aeroplane for the altitude and the expected air temperature for the estimated time of landing at the aerodrome of intended destination and at any alternate aerodrome shall not exceed the following maximum landing weights:

(a) those specified at which the aeroplane is capable, in the en route configuration and with all power units operating within the specified maximum continuous power conditions, of a rate of climb of 700 feet per minute if it has retractable landing gear and of 500 feet per minute if it has fixed landing gear; and

(b) those specified at which the aeroplane is capable, in the en route configuration and if it is necessary for it to be flown solely by reference to instruments for any period after leaving the minimum altitude for safe flight on the last stage of the route to be flown, as stated in, or calculated from the information contained in, the operations manual relating to the aeroplane, and with one power unit inoperative, of a rate of climb of 150 feet per minute.

(9) Subject to sub-paragraph (10), the landing distance required shall not exceed 70 per cent. Of the landing distance available on the most suitable runway for a landing in still air conditions at the aerodrome of intended destination and at any alternate aerodrome.

(10) For the purposes of sub-paragraph (9) the distance required to land from a height of 50 feet above the threshold of the runway shall be taken to be that specified as being appropriate to:

(a) the landing weight;

(b) the altitude at the aerodrome; and

(c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome.

(11) An aeroplane specified by a permission granted under article 44(5) as an aeroplane of performance group E shall not fly for the purpose of public transport:

(a) at night; or

(b) when the cloud ceiling or visibility prevailing at the aerodrome of departure or forecast for the estimated time of landing at the aerodrome of intended destination or at any alternate aerodrome are less than 1,000 feet and one nautical mile respectively,

unless the aeroplane is capable, in the en route configuration and with one power unit inoperative, of a rate of climb of 150 feet per minute.

5 Weight and performance of public transport aeroplanes specified as aeroplanes of performance group F

(1) For the purposes of article 44(6) and subject to sub-paragraph (9), an aeroplane registered in the United Kingdom in respect of which there is in force a permission granted under article 44(5) specifying the aeroplane as being of performance group F, shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the takeoff run is such that the requirements of sub-paragraphs (2), (3), (4), (6) and (7) are met.

(2) That weight shall not exceed the maximum take-off weight specified for the altitude and the air temperature at the aerodrome at which the take-off is to be made.

(3) The take-off distance required, specified as being appropriate to:

(a) the weight of the aeroplane at the commencement of the take-off run;

(b) the altitude at the aerodrome;

(c) the air temperature at the aerodrome;

(d) the average slope of the surface of the aerodrome in the direction of take-off over the take-off run available; and

(e) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off,

shall not exceed the take-off run available at the aerodrome at which the take-off is to be made.

(4) Subject to sub-paragraph (5), the aeroplane shall:

(a) after the aeroplane reaches a height of 1,000 feet above the aerodrome from which takeoff is to be made;

(b) in the meteorological conditions expected for the flight; and

(c) in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion from it, and with the other power unit or power units, if any, operating within the specified maximum continuous power conditions,

be capable of continuing the flight at altitudes not less than the relevant minimum altitude for safe flight stated in, or calculated from the information contained in, the operations manual relating to the aeroplane to a point 1,000 feet above, in the case of an aeroplane having one power unit, a place at which a safe landing can be made and, in the case of an aeroplane having two or more power units, an aerodrome at which it can comply with sub-paragraph (7).

(5) In assessing the ability of the aeroplane to satisfy sub-paragraph (4):

(a) the aeroplane shall not be assumed to be capable of flying, at any point on its route or on any planned diversion from it, at an altitude exceeding that at which it is capable of a gradient of climb of 2 per cent, with all power units operating within specified maximum continuous power conditions; and

(b) the aeroplane shall be required to be capable of a gradient of climb of 1 per cent at the relevant minimum safe altitude, with one power unit inoperative and with the other power unit or power units operating within the specified maximum continuous power conditions, over those parts of the route or any planned diversion where, in the meteorological conditions expected for the flight, it is expected that the aeroplane will be out of sight of the surface due to cloud cover at or below the relevant minimum safe altitude.

(6) The landing weight of the aeroplane shall not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome of intended destination and at any alternate aerodrome.

(7) Subject to sub-paragraph (8), the landing distance required shall not exceed the landing distance available on the most suitable runway for a landing in still air conditions at the aerodrome of intended destination or at any alternate aerodrome, as the case may be.

(8) For the purposes of sub-paragraph (7) the landing distance required shall be that specified as being appropriate to:

(a) the landing weight;

(b) the altitude at the aerodrome;

(c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;

(d) a runway with a level surface; and

(e) still air conditions.

(9) An aeroplane with one power-unit specified by a permission granted under article 44(5) as an aeroplane of performance group F shall not fly for the purpose of public transport:

(a) at night; or

(b) when the cloud ceiling or visibility prevailing at the aerodrome of departure or forecast for the estimated time of landing at the aerodrome of intended destination or at any alternate aerodrome are less than 1,000 feet and one nautical mile respectively.

6 Weight and performance of public transport aeroplanes specified as aeroplanes of performance group X

(1) For the purposes of article 44(6), an aeroplane in respect of which there is in force under article 44(5) a permission specifying the aeroplane as being of performance group X shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the take-off run is such that the requirements of sub-paragraphs (2), (3), (4), (7), (9), (11), (12), (14) and (15) are met.

(2) That weight shall not exceed the maximum take-off weight specified for the altitude at the aerodrome at which the take-off is to be made, or for the altitude and the air temperature at such aerodrome, as the case may be.

(3) The minimum effective take-off runway length required, specified as being appropriate to:

(a) the weight of the aeroplane at the commencement of the take-off run;

(b) the altitude at the aerodrome;

(c) the air temperature at the time of take-off;

(d) the condition of the surface of the runway from which the take-off will be made;

(e) the overall slope of the take-off run available; and

(f) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off,

shall not exceed the take-off run available at the aerodrome at which the take-off is to be made.

(4) Subject to sub-paragraphs (5) and (6), the take-off flight path with one power unit inoperative, specified as being appropriate to:

(a) the weight of the aeroplane at the commencement of the take-off run;

(b) the altitude at the aerodrome; and

(c) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off,

which is plotted from a point 50 feet above the end of the specified minimum effective take-off runway length required at the aerodrome at which the take-off is to be made, shall show that the aeroplane will clear any obstacle in its path by a vertical interval of not less than the greater of 50 feet or 35 feet plus one-hundredth of the distance from the point on the ground below the intended line of flight of the aeroplane nearest to the obstacle to the end of the take-off distance available, measured along the intended line of flight of the aeroplane.

(5) For the purpose of sub-paragraph (4) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight does not exceed:

(a) a distance of 60 metres plus half the wing span of the aeroplane plus one-eighth of the distance from such point to the end of the take-off distance available measured along the intended line of flight; or

(b) 900 metres,

whichever is least.

(6) In assessing the ability of the aeroplane to satisfy sub-paragraph (4), it shall not be assumed to make a change of direction of a radius less than the radius of steady turn corresponding to an angle of bank of 15°.

(7) Subject to sub-paragraph (8), the weight of the aeroplane shall be such that:

(a) at any point on the route or any planned diversion from the route, having regard to the fuel and oil expected to be consumed up to that point; and

(b) with one power unit inoperative and the other power unit or units operating within the specified maximum continuous power conditions,

the aeroplane will be capable of a rate of climb of at least K(Vso/100)2 feet per minute at an altitude not less than the minimum altitude for safe flight stated in or calculated from the information contained in the operations manual relating to the aeroplane, where Vso (the power off stalling speed of the aircraft) is in knots

and K has the value of 797-1060/N, N being the number of power units installed.

(8) As an alternative to sub-paragraph (7) and subject to sub-paragraph (9), the aeroplane may be flown at an altitude from which, in the event of failure of one power unit, it is capable of reaching an aerodrome where a landing can be made in accordance with sub-paragraph (15).

(9) Subject to sub-paragraph (10), if the aeroplane is flown pursuant to sub-paragraph (8) the weight of the aeroplane shall be such that, with the remaining power unit or units operating within the specified maximum continuous power conditions, it is capable of maintaining a minimum altitude on the route to such aerodrome of 2,000 feet above all obstacles within 10 nautical miles on either side of the intended track.

(10) If the operator of the aeroplane is satisfied, taking into account the navigation aids which can be made use of by the aeroplane on the route, that the commander of the aeroplane will be able to maintain his intended track on that route within a margin of 5 nautical miles, sub-paragraph (9) shall have effect as if 5 nautical miles were substituted for 10 nautical miles and sub-paragraph (11) shall apply.

(11) If sub-paragraph (10) applies:

(a) the rate of climb, specified for the appropriate weight and altitude, used in calculating the flight path shall be reduced by an amount equal to K(Vso/100)2 feet per minute (Vso being the power off stalling speed of the aircraft);

(b) the aeroplane shall comply with the climb requirements of sub-paragraph (7) at 1,000 feet above the chosen aerodrome;

(c) account shall be taken of the effect of wind and temperature on the flight path; and

(d) the weight of the aeroplane may be assumed to be progressively reduced by normal consumption of fuel and oil.

(12) Subject to sub-paragraph (13), if:

(a) any two power units of an aeroplane having four power units shall become inoperative at any point along the route or along any planned diversion from the route; and

(b) that point is more than 90 minutes flying time (assuming all power units were to be operating) from the nearest aerodrome at which a landing can be made in compliance with sub-paragraph (15), relating to an alternate aerodrome,

the aeroplane shall be capable of continuing the flight at an altitude of not less than 1,000 feet above ground level to a point above that aerodrome.

(13) In assessing the ability of the aeroplane to satisfy sub-paragraph (12) it shall be assumed that the remaining, operative power units will operate within the specified maximum continuous power conditions, and account shall be taken of the temperature and wind conditions expected for the flight.

(14) The landing weight of the aeroplane shall not exceed the maximum landing weight specified for the altitude at the aerodrome of intended destination and at any alternate aerodrome.

(15) Subject to sub-paragraph (16), the required landing runway lengths, respectively specified as being appropriate to:

(a) the aerodrome of intended destination; and

(b) the alternate aerodrome,

shall not exceed the landing distances available on the most suitable runway for landing in still air conditions and the landing distances available on the runway that may be required for landing because of the forecast wind conditions at the aerodrome of intended destination or at any alternate aerodrome.

(16) For the purpose of sub-paragraph (15) the required landing runway lengths shall be taken to be those specified as being appropriate to:

(a) the landing weight;

(b) the altitude at the aerodrome;

(c) still air conditions in the case of the most suitable runway for a landing in still air conditions; and

(d) not more than 50 per cent. of the forecast wind component opposite to the direction of landing or not less than 150 per cent. of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

7 Weight and performance of public transport aeroplanes specified as aeroplanes of performance group Z – aeroplanes of which the specified maximum total weight authorised exceeds 5,700 kg or of which the specified maximum total weight authorised does not exceed 5,700 kg and the wing loading of the aeroplane exceeds 20lb per square foot or the stalling speed of the aeroplane in the landing configuration exceeds 60 knots

(1) For the purposes of article 44(6), an aeroplane registered in the United Kingdom, in respect of which there is in force under article 44(5) a permission specifying the aeroplane as being of performance group Z and which comes

within sub-paragraph (2), shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the takeoff run is such that the requirements of sub-paragraphs (3), (4), (5), (6), (8), (12), (14), (15), (16), (17), (18) and (19) are met.

(2) An aeroplane comes within this sub-paragraph if:

(a) its specified maximum total weight authorised exceeds 5,700 kg; or

(b) its specified maximum total weight authorised does not exceed 5,700 kg; and either:

(i) the wing loading of the aeroplane exceeds 20 lb per square foot; or

(ii) the stalling speed of the aeroplane in the landing configuration exceeds 60 knots.

(3) One of the following requirements shall be met by the aeroplane:

(a) the wing loading of the aeroplane shall not exceed 20 lb per square foot; or

(b) the stalling speed of the aeroplane in the landing configuration shall not exceed 60 knots; or

(c) the aeroplane shall be capable of a gradient of climb of at least 1 in 200 at an altitude of 5,000 feet in the specified international standard atmosphere, with any one of its power units inoperative and the remaining power unit or units operating within the specified maximum continuous power conditions.

(4) The weight of the aeroplane at the commencement of the take-off run shall not exceed the maximum take-off weight, if any, specified for the altitude and the air temperature at the aerodrome at which the take-off is to be made.

(5) The distance required by the aeroplane to attain a height of 50 feet, with all power units operating within the specified maximum take-off power conditions shall not exceed the take-off run available at the aerodrome at which the take-off is to be made.

(6) The distance required by the aeroplane to attain a height of 50 feet with all power units operating within the specified maximum take-off power conditions, when multiplied by a factor of either 1.33 for aeroplanes having two power units or by a factor of 1.18 for aeroplanes having four power units, shall not exceed the accelerate-stop distance available at the aerodrome at which the take-off is to be made.

(7) For the purposes of sub-paragraphs (5) and (6) the distance required by the aeroplane to attain a height of 50 feet shall be that appropriate to:

(a) the weight of the aeroplane at the commencement of the take-off run;

(b) the altitude at the aerodrome;

(c) the air temperature at the aerodrome;

(d) the condition of the surface of the runway from which the take-off will be made;

(e) the slope of the surface of the aerodrome in the direction of take-off over the take-off run available and the accelerate-stop distance available, respectively; and

(f) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off.

(8) Subject to sub-paragraphs (9), (10) and (11), the take-off flight path of the aeroplane shall show that:

(a) with one power unit inoperative and the remaining power unit or units operating within the specified maximum take-off power conditions referred to in sub-paragraph (9); and

(b) with the take off path plotted from a point 50 feet above the end of the appropriate factored distance required for take-off under sub-paragraph (6) at the aerodrome at which the take-off is to be made,

the aeroplane will clear any obstacle in its path by a vertical interval of at least 35 feet except that if it is intended that an aeroplane shall change its direction by more than 15° the vertical interval shall be not less than 50 feet during the change of direction.

(9) The specified maximum take-off power conditions referred to in sub-paragraph (8)(a) are those appropriate to:

(a) the weight of the aeroplane at the commencement of the take-off run;

(b) the altitude at the aerodrome;

(c) the air temperature at the aerodrome; and

(d) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off.

(10) For the purpose of sub-paragraph (8) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight does not exceed:

(a) a distance of 60 metres plus half the wing span of the aeroplane, plus one-eighth of the distance from such point to the end of the take-off distance available, measured along the intended line of flight; or

(b) 900 metres,

whichever is least.

(11) In assessing the ability of the aeroplane to satisfy sub-paragraph (8), it shall not be assumed the aeroplane will make a change of direction of a radius less than a radius of steady turn corresponding to an angle of bank of 15°.

(12) Subject to sub-paragraph (13), the aeroplane shall:

(a) in the meteorological conditions expected for the flight;

(b) in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion from it; and

(c) with the other power unit or units, if any, operating within the specified maximum continuous power conditions,

be capable of continuing the flight, clearing obstacles within 10 nautical miles either side of the intended track, by a vertical interval of at least 1,000 feet when the gradient of the flight path is not less than zero, or 2,000 feet when the gradient of the flight path is less than zero, to an aerodrome at which it can comply with sub-paragraph (17), and on arrival over such aerodrome the flight path shall be capable of having a gradient of not less than zero at 1,500 feet above the aerodrome.

(13) For the purpose of sub-paragraph (12) the gradient of climb of the aeroplane shall be taken to be one per cent. less than that specified.

(14) In the meteorological conditions expected for the flight and at any point on its route or on any planned diversion from it the aeroplane shall be capable of climbing at a gradient of at least 1 in 50, with all power units operating within the maximum continuous power conditions specified at the following altitudes:

(a) the minimum altitudes for safe flight on each stage of the route to be flown or of any planned diversion from it specified in, or calculated from the information contained in, the operations manual relating to the aeroplane; and

(b) the minimum altitudes necessary for compliance with sub-paragraphs (12) and (15), as appropriate.

(15) If, on the route to be flown or on any planned diversion from it:

(a) the aeroplane will be engaged in a flight over water;

(b) the aeroplane may, at any point during such flight, be more than 90 minutes flying time in still air from the nearest shore; and

(c) two power units become inoperative during such time and with the other power units, if any, operating within the specified maximum continuous power conditions,

the aeroplane shall be capable of continuing the flight, having regard to the meteorological conditions expected for the flight, clearing all obstacles within 10 nautical miles either side of the intended track by a vertical interval of at least 1,000 feet and reaching an aerodrome at which a safe landing can be made.

(16) The landing weight of the aeroplane shall not exceed the maximum landing weight, if any, specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome of intended destination and at any alternate aerodrome.

(17) Subject to sub-paragraph (18), the distance required by the aeroplane to land at the aerodrome of intended destination from a height of 50 feet above the threshold of the runway shall not exceed 60 per cent. of the landing distance available on:

(a) the most suitable runway for a landing in still air conditions; and

(b) the runway that may be required for landing because of the forecast wind conditions.

(18) If an alternate aerodrome is designated in the flight plan, the landing distance required under sub-paragraph (17) at the aerodrome of intended destination shall not exceed 70 per cent. Of that available on the relevant runway.

(19) The distance required by the aeroplane to land from a height of 50 feet above the threshold of the runway at any alternate aerodrome shall not exceed 70 per cent. of the landing distance available on:

(a) the most suitable runway for a landing in still air conditions; and

(b) the runway that may be required for landing because of the forecast wind conditions.

(20) For the purpose of sub-paragraphs (17) and (19) the distance required to land from a height of 50 feet above the threshold of the runway shall be taken to be that appropriate to:

(a) the landing weight;

(b) the altitude at the aerodrome;

(c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;

(d) a level surface in the case of runways usable in both directions;

(e) the average slope of the runway in the case of runways usable in only one direction;

(f) still air conditions in the case of the most suitable runway for a landing in still air conditions; and

(g) not more than 50 per cent. of the forecast wind component opposite to the direction of landing or not less than 150 per cent. of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

8 Weight and performance of public transport aeroplanes specified as aeroplanes of performance group Z – of which the specified maximum total weight authorised does not exceed 5,700 kg and the wing loading of the aeroplane does not exceed 20lb per square foot or the stalling speed of the aeroplane in the landing configuration does not exceed 60 knots (or both)

(1) For the purposes of article 44(6), an aeroplane registered in the United Kingdom, in respect of which there is in force under article 44(5) a permission specifying the aeroplane as being of performance group Z and which comes within sub-paragraph (2), shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the takeoff run is such that the requirements of sub-paragraphs (3), (4), (5), (6), (7), (9), (11), (12), (14), (15) and (16) are met.

(2) An aeroplane comes within this sub-paragraph if its specified maximum total weight authorised does not exceed 5,700 kg and either:

(a) the wing loading of the aeroplane does not exceed 20 lb per square foot; or

(b) the stalling speed of the aeroplane in the landing configuration does not exceed 60 knots (or both).

(3) One of the following requirements shall be met by the aeroplane:

(a) the wing loading of the aeroplane shall not exceed 20 lb per square foot; or

(b) the stalling speed of the aeroplane in the landing configuration shall not exceed 60 knots; or

(c) the aeroplane shall be capable of a gradient of climb of at least 1 in 200 at an altitude of 5,000 feet in the specified international standard atmosphere, with any one of its power units inoperative and the remaining power unit or units operating within the specified maximum continuous power conditions.

(4) The weight of the aeroplane at the commencement of the take-off run shall not exceed the maximum take-off weight, if any, specified for the altitude and the air temperature at the aerodrome at which the take-off is to be made.

(5) If the aeroplane is engaged:

(a) on a flight at night; or

(b) when the cloud ceiling or visibility prevailing at the aerodrome of departure or forecast for the estimated time of landing at the aerodrome of intended destination or at any alternate aerodrome are less than 1,000 feet and one nautical mile respectively,

it shall be capable of climbing at a gradient of at least 1 in 200 at an altitude of 2,500 feet in the specified international standard atmosphere with any one of its power units inoperative and with the remaining power unit or units, if any, operating within the specified maximum continuous power conditions.

(6) The distance required by the aeroplane to attain a height of 50 feet, with all power units operating within the specified maximum take-off power conditions, shall not exceed the take-off run available at the aerodrome at which the take-off is to be made.

(7) The distance required by the aeroplane to attain a height of 50 feet, with all power units operating within the specified maximum take-off power conditions, when multiplied by a factor of 1.33, shall not exceed the accelerate-stop distance available at the aerodrome at which the take-off is to be made.

(8) For the purposes of sub-paragraphs (6) and (7) the distance required by the aeroplane to attain a height of 50 feet shall be that appropriate to:

(a) the weight of the aeroplane at the commencement of the take-off run;

(b) the altitude at the aerodrome;

(c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome or, if greater, the air temperature at the aerodrome less 15° centigrade;

(d) the slope of the surface of the aerodrome in the direction of take-off over the take-off run available and the accelerate-stop distance available respectively; and

(e) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off.

(9) Subject to sub-paragraph (10), the take-off flight path of the aeroplane, with all power units operating within the specified maximum take-off power conditions, appropriate to:

(a) the weight of the aeroplane at the commencement of the take-off run;

(b) the altitude at the aerodrome;

(c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome, or, if greater, the air temperature at the aerodrome less 15° centigrade;

(d) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off; and

(e) plotted from a point 50 feet above the end of the factored distance required for take-off under sub-paragraph (8), at the aerodrome at which the take-off is to be made,

shall show that the aeroplane will clear any obstacle lying within 60 metres plus half the wing span of the aeroplane on either side of its path by a vertical interval of at least 35 feet.

(10) In assessing the ability of the aeroplane to satisfy sub-paragraph (9) it shall not be assumed to make a change of direction of a radius less than a radius of steady turn corresponding to an angle of bank of 15°.

(11) The aeroplane shall be capable of continuing the flight so as to reach a point above a place at which a safe landing can be made at a suitable height for such landing:

(a) in the meteorological conditions expected for the flight;

(b) in the event of any power unit becoming inoperative at any point on its route or on any planned diversion from it; and

(c) with the other power unit or units, if any, operating within the specified maximum continuous power conditions.

(12) The aeroplane shall be capable of climbing at a gradient of at least 1 in 50, with all power units operating within the specified maximum continuous power conditions at the altitudes referred to in paragraph (13), in the meteorological conditions expected for the flight and at any point on its route or on any planned diversion.

(13) For the purpose of paragraph (12) the altitudes are:

(a) the minimum altitudes for safe flight on each stage of the route to be flown or on any planned diversion from it specified in, or calculated from, the

information contained in the operations manual relating to the aeroplane; and

(b) the minimum altitudes necessary for compliance with paragraph (11).

(14) If on the route to be flown or any planned diversion from it the aeroplane will:

(a) be engaged on a flight over water;

(b) during which, at any point, it may be more than 30 minutes flying time in still air from the nearest shore; and

(c) in the event of one power unit becoming inoperative during such time and with the other power unit or units, if any, operating within the specified maximum continuous power conditions,

the aeroplane shall be capable of climbing at a gradient of at least 1 in 200 at an altitude of 5,000 feet in the specified international standard atmosphere.

(15) The landing weight of the aeroplane shall not exceed the maximum landing weight, if any, specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome of intended destination and at any alternate aerodrome.

(16) The distance required by the aeroplane to land at the aerodrome of intended destination and at any alternate aerodrome from a height of 50 feet above the threshold of the runway shall not exceed 70 per cent. or, if a visual approach and landing will be possible in the meteorological conditions forecast for the estimated time of landing, 80 per cent. of the landing distance available on:

(a) the most suitable runway for a landing in still air conditions; and

(b) the runway that may be required for landing because of the forecast wind conditions.

(17) For the purposes of sub-paragraph (16) the distance required to land from a height of 50 feet above the threshold of the runway shall be taken to be that appropriate to:

(a) the landing weight;

(b) the altitude at the aerodrome;

(c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;

(d) a level surface in the case of runways usable in both directions or the average slope of the runway in the case of runways usable in only one direction; and either

(e) still air conditions in the case of the most suitable runway for a landing in still air conditions; or

(f) not more than 50 per cent. of the forecast wind component opposite to the direction of landing or not less than 150 per cent. of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

Schedule 2

Helicopter performance

1 Weight and performance of public transport helicopters carrying out Performance Class 1 operations

For the purposes of article 45(1), a helicopter registered in the United Kingdom when carrying out Performance Class 1 operations shall not fly for the purpose of public transport unless the weight of the helicopter at the commencement of take-off is such that the following requirements are met:

(a) the weight does not exceed the maximum take-off weight specified for the altitude and the air temperature at the site from which the take-off is to be made; and

(b) the landing weight of the helicopter will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the site of intended destination and at any alternate site.

2 Weight and performance of public transport helicopters carrying out Performance Class 2 operations

(1) For the purposes of article 45(1) but subject to sub-paragraph (3), a helicopter registered in the United Kingdom when carrying out Performance Class 2 operations shall not fly for the purposes of public transport if the cloud ceiling or visibility prevailing at the departure site and forecast for the estimated time of landing at the site of intended destination and at any alternate site are less than 500 feet and 1,000 metres respectively and shall not fly for the purpose of public transport at any other time unless all of the requirements referred to in sub-paragraph (2) are met.

(2) The requirements referred to in sub-paragraph (1) are that the weight of the helicopter at the commencement of take-off shall be such that:

(a) the weight does not exceed the maximum take-off weight specified for the altitude and the air temperature at the site from which the take-off is to be made; and

(b) the landing weight of the helicopter will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the site at which it is intended to land and at any alternate site.

(3) This paragraph shall not apply to a helicopter flying under and in accordance with the terms of a police air operator's certificate.

3 Weight and performance of public transport helicopters carrying out Performance Class 3 operations

(1) For the purposes of article 45(1) but subject to sub-paragraph (3), a helicopter registered in the United Kingdom when carrying out Performance Class 3 operations shall not fly for the purposes of public transport at night or out of sight of the surface or when the cloud ceiling or visibility prevailing at the departure site and forecast for the estimated time of landing at the site of intended destination are less than 600 feet and 1,000 metres respectively and shall not fly for the purpose of public transport at any other time unless all of the requirements referred to in subparagraph (2) are met.

(2) The requirements referred to in sub-paragraph (1) are that the weight of the helicopter at the commencement of take-off shall be such that:

(a) the weight does not exceed the maximum take-off weight specified for the altitude and the air temperature at the site from which the take-off is to be made; and

(b) the landing weight of the helicopter will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the site of intended destination and at any alternate site.

(3) This paragraph shall not apply to a helicopter flying under and in accordance with the terms of a police air operator’s certificate.

SECTION 4

The Air Navigation (Cosmic Radiation) (Keeping of Records) Regulations 2000

Made: **18th May 2000**

Laid before Parliament: **23rd May 2000**

Coming into force: **15th June 2000**

The Secretary of State for the Environment, Transport and the Regions in exercise of the powers conferred by article 67 of the Air Navigation (No. 2) Order 1995[a] and all other powers enabling him in that behalf, hereby makes the following Regulations:

1 Commencement and citation

(1) These Regulations may be cited as the Air Navigation (Cosmic Radiation) (Keeping of Records) Regulations 2000 and shall come into force on 15th June 2000.

In these Regulations 'the 1995 Order' means the Air Navigation (No. 2) Order 1995.

2 Period and requirements of the record of assessment

(1) The record of the exposure to cosmic radiation of air crew assessed under article 65A of the 1995 Order and required to be kept under article 67(1) of that Order shall meet the requirements of this regulation and in addition, as the case may be, the requirements of either paragraph (1) or paragraph (2) of regulation 3.

(2) A record kept under article 67(1) of the 1995 Order shall contain details of the assessment of the exposure to cosmic radiation for a period of at least twelve months, but not details of exposure before the coming into force of these Regulations.

(3) A record kept under article 67(1) of the 1995 Order shall be available for production as a paper record for a period of two years from the date each assessment was made, except that where the assessment shows that an individual is liable to cosmic radiation exposure in excess of 6 milliSieverts per year the record shall be available as a paper record until whichever is the later of either -

a S.I. 1995/1970 as amended by S.I. 2000/1104.

(a) the 75th anniversary of his birth, whether or not he has survived to that date, or

(b) the 30th anniversary of the termination of his work which involved exposure to cosmic radiation.

3

(1) When an undertaking separately assesses the exposure to cosmic radiation of the individual members of the air crew, the undertaking shall keep a record of the exposure to cosmic radiation for each member of air crew assessed under article 65A of the 1995 Order, which record shall include -

(a) the name and national insurance number of the member of the air crew;

(b) the detail of each assessment of exposure expressed in milliSieverts per year; and

(c) the date of the assessment.

(2) When an undertaking does not separately assess the exposure to cosmic radiation of the individual members of the air crew, but instead assesses the exposure to cosmic radiation of groups of air crew members the undertaking shall keep a single record for all the air crew assessed under article 65A of the 1995 Order, which record shall state -

(a) the names and national insurance numbers of all air crew covered by the assessment;

(b) the maximum dose of cosmic radiation expressed in milliSieverts per year to which those air crew are liable to be exposed;

(c) how the dose in paragraph (b) is calculated; and

(d) the period for which the assessment is valid.

Signed by authority of the Secretary of State for the Environment,
Transport and the Regions

Chris Mullin
Department of the Environment, Transport and the Regions

18th May 2000

SECTION 5

Restriction of Flying

The Air Navigation (Restriction of Flying) (Scottish Highlands) Regulations 2008[a]

Made: **1st May 2008**

Coming into Force: **1st June 2008**

The Secretary of State for Transport deems it necessary in the public interest to restrict flying in the Scottish Highlands and certain approaches to the Scottish Highlands and, in exercise of her powers under article 96 of the Air Navigation Order 2005b makes the following Regulations:

1 These Regulations may be cited as the Air Navigation (Restriction of Flying) (Scottish Highlands) Regulations 2008 and come into force on 1st June 2008.

2 The Air Navigation (Restriction of Flying) (Scottish Highlands) Regulations 1981[c] are revoked.

3

(1) In Regulations 4, 5 and 6 all times referred to are local time.

(2) The notified authority referred to in Regulation 7 is the Low Flying Booking Cell at RAF Wittering or such other authority as may be notified in its place.

4 Subject to Regulation 7, between 1500 and 2300 hours each day on or between Monday and Thursday, an aircraft must not fly at or below a height of 5,000 feet above mean sea level within the area bounded by straight lines joining successively the following points:

583000N	0032700W
582524N	0032509W
580345N	0041234W
580300N	0043000W
580000N	0043700W
574700N	0042500W
573900N	0043000W

a S.I. 2008/1239

b S.I. 2005/1970 to which there are amendments not relevant to these Regulations.

c S.I. 1981/1171.

583000N	0032700W
573800N	0044500W
573000N	0043800W
571800N	0045200W
571100N	0045300W
570900N	0050000W
570000N	0050200W
565400N	0050500W
565600N	0054700W
571300N	0053500W
575000N	0054300W
580000N	0051500W
583000N	0044900W
583000N	0043000W
582500N	0043000W
583000N	0042000W
583000N	0032700W.

5 Subject to Regulation 7, between 1500 and 2300 hours each day on or between Monday and Thursday, an aircraft must not fly at or between 750 feet and 5,000 feet above mean sea level within the area bounded by straight lines joining successively the following points:

575000N	0054300W
574004N	0054050W
573840N	0055739W
570000N	0055644W
570000N	0061504W
574715N	0061637W
575000N	0054300W.

6

(1) Subject to paragraph (2) and Regulation 7, between 1500 and 2300 hours each day on or between Monday and Thursday, an aircraft must not fly below 2,000 feet above mean sea level within either of the following areas bounded respectively by straight lines joining successively the following points:

582218N	0033224W

582218N	0033224W
581434N	0031929W
581121N	0032654W
581900N	0033940W
582218N	0033224W; or
574900N	0040606W
574500N	0040254W
574234N	0041056W
573900N	0043000W
574700N	0042500W
574900N	0040606W.

(2) An aircraft may fly within an area specified in paragraph (1) if it is flying in accordance with an authorisation to cross the area given by the person in charge of Tain Range Danger Area on the notified frequency.

7 An aircraft may fly within an area specified in Regulation 4, 5 or 6 if it is flying in accordance with an authorisation given by the notified authority.

Signed by authority of the Secretary of State

Jim Fitzpatrick
Parliamentary Under Secretary of State, Department for Transport

1 May 2008

The Air Navigation (Restriction of Flying) (Scampton) Regulations 2000[a]

Made: **20 December 2000**

Coming into force: **3 January 2001**

Whereas the Secretary of State for the Environment, Transport and the Regions deems it necessary in the public interest to restrict flying in the vicinity of Scampton, by reason of the intended training flights by the Red Arrows team and having been informed that the Red Arrows team is permanently relocating to Scampton:

Now, therefore, the Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by Article 85 of the Air Navigation Order 2000[b] and of all other powers enabling him in that behalf, hereby makes the following Regulations:

1 These Regulations may be cited as the Air Navigation (Restriction of Flying) (Scampton) Regulations 2000 and shall come into force on 3 January 2001.

2 The Air Navigation (Restriction of Flying) (Scampton) Regulations 1996[c] are hereby revoked.

3 At any time when Scampton Airfield is notified as being open for use by aircraft, no aircraft shall fly below a height of 9,500 ft above mean sea level over any part of the area bounded by a circle having a radius of 5 nautical miles centred at 531828N 0003303W (Scampton), unless the commander of an aircraft has been informed by the air traffic control unit at Waddington that no training flights are intended to be made over that area by the Red Arrows team during the period when the aircraft in question is to be over the area.

Signed by authority of the Secretary of State for the Environment,
Transport and the Regions

Head of Civil Aviation Division
Department of the Environment
Transport and the Regions

December 2000

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a SI 2000/3390

b SI 2000/1562

c SI 1996/209

STATUTORY INSTRUMENTS

2016 No. 1003

CIVIL AVIATION

The Air Navigation (Restriction of Flying) (Nuclear Installations) Regulations 2016

Made - - - -	*6th October 2016*
Coming into force - -	*10th October 2016*

The Secretary of State has decided that it is necessary in the public interest to restrict flying in the vicinity of certain nuclear installations specified in the Schedule for reasons of public safety.

The Secretary of State makes the following Regulations in exercise of the powers conferred by article 239 of the Air Navigation Order 2016(**a**).

Citation and commencement

1. These Regulations may be cited as the Air Navigation (Restriction of Flying) (Nuclear Installations) Regulations 2016 and come into force on 10th October 2016.

Revocations

2. The Air Navigation (Restriction of Flying) (Nuclear Installations) Regulations 2007(**b**) and the Air Navigation (Restriction of Flying) (Nuclear Installations) (Amendment) Regulations 2008(**c**) are revoked.

Restricted airspace

3.—(1) This regulation applies to each of the nuclear installations specified in Column 1 of the Schedule, each of which for the purpose of these Regulations comprises an area bounded by a circle of the radius specified in Column 2 of the Schedule, opposite its name in Column 1, and centred on the position specified in Column 3 of the Schedule.

(2) Subject to regulations 4 to 12, no aircraft is to fly over a nuclear installation to which these regulations apply below the height above mean sea level specified in Column 4 of the Schedule opposite its name in Column 1.

Permitted flight in restricted airspace

4.—(1) Regulation 3 does not prohibit a flight over a nuclear installation specified in paragraph (2) for the purpose of landing at, or taking off from, the helicopter landing area at the installation

(**a**) S.I. 2016/765.
(**b**) S.I. 2007/1929, amended by S.I. 2008/3169.
(**c**) S.I. 2008/3169.

with the permission of the person in charge of the installation and in accordance with any conditions to which that permission is made subject.

(2) Paragraph (1) applies to the nuclear installations at Barrow-in-Furness, Berkeley, Burghfield, Dungeness, Hartlepool, Heysham, Hunterston, Hinkley Point, Oldbury, Sellafield, Sizewell, Torness and Wylfa.

5. Regulation 3 does not prohibit a flight by a helicopter over the nuclear installation at Devonport for the purpose of landing at, or taking off from, any ship within the Devonport Dockyard with the permission of Flag Officer Sea Training and in accordance with any conditions to which that permission is made subject.

6. Regulation 3 does not prohibit a flight over the nuclear installation at Dungeness which—

(a) has taken off from, or is intending to land at, London Ashford (Lydd) Airport,

(b) is flying in accordance with normal aviation practice, and

(c) which remains at least 1.5 nautical miles from the position specified in Column 3 of the Schedule opposite the entry for Dungeness in Column 1.

7. Regulation 3 does not prohibit a flight by a helicopter flying within the Bridgewater Bay Danger Area(**a**) over the nuclear installation at Hinkley Point which—

(a) is made with the permission of the person in charge of that Area, and in accordance with any conditions to which that permission is made subject, and

(b) which remains at least 1 nautical mile from the position specified in Column 3 of the Schedule opposite the entry for Hinkley Point in Column 1.

8. Regulation 3 does not prohibit a flight over the nuclear installation at Rosyth within the route notified as the Kelty Lane for the purpose of making an approach to land at, or a departure from, Edinburgh Airport.

9. Regulation 3 does not prohibit a flight over the nuclear installation at Springfields—

(a) at a height of not less than 1,600 feet above mean sea level for the purpose of making an approach to land, or carrying out a missed approach procedure, at Blackpool Airport, or

(b) in airspace lying south of a straight line drawn from 534644N 0024454W to 534513N 0025044W for the purpose of landing at, or departing from, Warton Aerodrome.

10. Regulation 3 does not prohibit a flight over the nuclear installation at Wylfa, at a height of not less than 2000 feet above mean sea level whilst operating under and in accordance with a clearance from the air traffic control unit at RAF Valley.

11. Regulation 3 does not prohibit a flight over the nuclear installation at Hartlepool, at a height of not less than 1800 feet above mean sea level whilst conducting an instrument approach procedure at Durham Tees Valley Airport.

12. Regulation 3 does not prohibit a flight over the nuclear installation at Coulport/Faslane by a helicopter for the purpose of landing at, or taking off from, any ship within the HM Naval Base Clyde which is made with the permission of the Duty Naval Base Officer, Faslane, and in accordance with any conditions to which that permission is made subject.

Signed by authority of the Secretary of State for Transport

Kate Jennings
Head of Aviation Policy
Department for Transport

6th October 2016

(**a**) The Bridgewater Bay Danger Area is notified in the United Kingdom Aeronautical Information Publication as Danger Area EG D119.

SCHEDULE

Regulation 3(1)

Column 1	*Column 2*	*Column 3*	*Column 4*
Name of Nuclear Establishment	**Radius in nautical miles**	**Position (centre of circle)**	**Height in feet above mean sea level**
Aldermaston	1.5	512203N 0010847W	2400
Barrow-in-Furness	0.5	540635N 0031410W	2000
Berkeley	2	514134N 0022936W	2000
Burghfield	1	512424N 0010125W	2400
Capenhurst	2	531550N 0025708W	2200
Coulport/Faslane	2	560331N 0045159W	2200
Devonport	1	502317N 0041114W	2000
Dounreay	2	583435N 0034434W	2100
Dungeness	2	505449N 0005717E	2000
Hartlepool	2	543807N 0011049W	2000
Heysham	2	540147N 0025452W	2000
Hinkley Point	2	511233N 0030749W	2000
Hunterston	2	554317N 0045338W	2000
Oldbury	2	513852N 0023415W	2000
Rosyth	0.5	560147N 0032703W	2000
Sellafield	2	542505N 0032944W	2000
Sizewell	2	521250N 0013707E	2000
Springfields	2	534634N 0024815W	2100
Torness	2	555806N 0022431W	2100
Wylfa	2	532458N 0042852W	2100

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose restrictions on flying in the airspace in the vicinity of certain nuclear installations for reasons of public safety. This has been agreed by the Civil Aviation Authority and the Department for Transport.

In relation to regulation 3(2), the term 'aircraft' includes aircraft as classified by Part 1 of Schedule 4 to the Air Navigation Order 2016. It also includes, by virtue of article 23 of that Order, any small balloon, any kite weighing not more than two kilograms, any small unmanned aircraft and any parachute including a parascending parachute.

Full details of the Statutory Instrument will be promulgated in the United Kingdom Aeronautical Information Publication. The zones will also be depicted on related aeronautical charts.

Further enquiries of the Civil Aviation Authority may be made to Mr R E J Gratton, Principal Airspace Regulator, Safety and Airspace Regulation Group, telephone number 020 7453 6586.

The Air Navigation (Restriction of Flying) (Prisons) Regulations 2001[a]

Made: 18th April 2001

Coming into force: 11th May 2001

Whereas the Secretary of State, for a reason affecting the public interest, deems it necessary in the public interest to restrict flying in the vicinity of certain prisons specified in the Second Schedule hereto:

Now therefore the Secretary of State, in exercise of the powers conferred on him by article 85 of the Air Navigation Order 2000[b] and of all other powers enabling him in that behalf, hereby makes the following Regulations:

1 These Regulations may be cited as the Air Navigation (Restriction of Flying) (Prisons) Regulations 2001 and shall come into force on 11th May 2001.

2 The Regulations specified in the First Schedule hereto are hereby revoked.

3

(1) This regulation applies to each of the prisons specified in column 1 of the Second Schedule hereto, each of which for the purpose of this regulation shall be taken to comprise either an area bounded by a circle of the radius specified in column 2 of the said Schedule opposite its name centred on the position so specified in column 3 of the said Schedule or in the case of Belmarsh and Frankland the area described in column 2 of the said Schedule.

(2) Subject to paragraph (3), no helicopter shall fly over a prison to which this regulation applies below such height above mean sea level as is specified in column 4 of the said Schedule opposite its name.

(3) Nothing in this regulation shall prohibit:

(a) (deleted);

(b) flight by any helicopter operated by or on behalf of a police force for any area of the United Kingdom; or

(c) in relation to the high security prison at Belmarsh; flight by any helicopter flying in accordance with the Instrument Flight Rules and in accordance with instructions given by the air traffic control unit at London City airport.

(d) in relation to the prison at Maghaberry, flight by any aircraft for the purpose of landing at or taking off from Belfast International Airport, being

a SI 2001/1657

b SI 2000/1562; to which there are amendments not relevant to these Regulations.

an aircraft which is under the control of the air traffic control unit at that Airport.

Signed by authority of the Secretary of State for the Environment,
Transport and the Regions

Ian McBrayne
Head of Civil Aviation Division
Department of the Environment, Transport and the Regions

18th April 2001

The First Schedule

Revocations

Regulation 2

Regulations revoked	References
The Air Navigation (Restriction of Flying) (High Security Prisons) Regulations 1989	S.I. 1989/2118
The Air Navigation (Restriction of Flying) (High Security Prisons) (Amendment) Regulations 1991	S.I. 1991/1679
The Air Navigation (Restriction of Flying) (High Security Prisons) (Amendment No. 2) Regulations 1992	S.I. 1992/1876
The Air Navigation (Restriction of Flying) (High Security Prisons) (Amendment No. 3) Regulations 1993	S.I. 1993/2123

The Second Schedule

Regulation 3

Column 1 Name of High Security Prison	Column 2 Radius in Nautical Miles or Description of Area	Column 3 Position	Column 4 Height in Feet
Belmarsh	513020N 0000529E, thence by a straight line to 512943N 0000454E; thence in an anti clockwise direction by an arc of a circle having a radius of 0.5 nautical miles and centred on 512951N 0000541E to 513020N 0000529E		2,000
Full Sutton	2	535837N 0005224W	2,000
Frankland	544859N 0013617W; thence clockwise by an arc of a circle having a radius of 2 nautical miles whose centre is at 544820N 0013301W to 544741N 0012945W;		2,200

Column 1 Name of High Security Prison	Column 2 Radius in Nautical Miles or Description of Area	Column 3 Position	Column 4 Height in Feet
	thence by a straight line to 544544N 0013054W; thence clockwise by an arc of a circle having a radius of 2 nautical miles whose centre is at 544623N 0013410W; to 544702N 0013726W; thence by a straight line to 544859N 0013617W		
Long Lartin	2	520627N 0015119W	2,200
Maghaberry	2	N5430.88 W00611.10	2,000
Manchester	1	532934N 0021450W	1,700
Shots	2	554950N 0034935W	2,800
Wakefield	1.3	534057N 0013034W	1,600
Whitemoor	2	523430N 0000446E	2,000
Woodhill	1.5	520049N 0004813W	2,400

The Air Navigation (Restriction of Flying) (Highgrove House) Regulations 1991[a]

Whereas the Secretary of State for Transport, for a reason affecting the public interest deems it necessary in the public interest to restrict flying in the vicinity of Highgrove House:

Now therefore the Secretary of State for Transport, in exercise of the powers conferred on him by article 74 of the Air Navigation Order 1989[b] and of all other powers enabling him in that behalf, hereby makes the following regulations:

1 These Regulations may be cited as the Air Navigation (Restriction of Flying) (Highgrove House) Regulations 1991 and shall come into force on 7th March 1991.

2 Helicopters and microlight aeroplanes shall not fly below 2000 feet above mean sea level within the area bounded by a circle having a radius of 1.5 nautical miles centred on N5137.30 W00210.75 (Highgrove House):

Provided that nothing in this regulation shall apply to a flight by any helicopter:

(a) in the service of the Gloucestershire Constabulary;

(b) belonging to or exclusively employed in the service of Her Majesty; or

(c) visiting Highgrove House at the invitation of the person in charge of the household at Highgrove House, where the Gloucestershire Constabulary have been informed in advance of such visit.

a SI 1991/44

b SI 1989/2004 to which there are amendments not relevant to these Regulations

The Air Navigation (Restriction of Flying) (Specified Area) Regulations 2005

Coming into force: 1 April 2005

Whereas the Secretary of State for Transport deems it necessary in the public interest to restrict flying in the area specified in the Schedule hereto:

Now, therefore, the Secretary of State for Transport, in exercise of the powers conferred upon him by article 85 of the Air Navigation Order[a] hereby makes the following Regulations:

1 Citation and commencement

These Regulations may be cited as the Air Navigation (Restriction of Flying) (Specified Area) Regulations 2005 and shall come into force on 1 April 2005.

2 Flight within specified area

Except with the permission in writing of the Civil Aviation Authority and in accordance with any conditions therein specified a helicopter shall not fly over the area specified in the Schedule below such height as would enable it to alight clear of the area in the event of failure of a power unit.

a S.I.2000/1562 to which there are amendments not relevant to these Regulations

Schedule

Regulation 2

The Specified Area

The area bounded by straight lines joining successively the following points:

Kew Bridge (N5129.18 W00017.17);
The Eastern extremity of Brent Reservoir (N5134.30 W00014.02);
Gospel Oak Station (N5133.27 W00008.97);
The South East corner of Springfield Park (N5134.12 W00003.20);
Bromley-by-Bow Station (N5131.47 W00000.65);
The South West corner of Hither Green (N5126.72 W00000.63);
Herne Hill Station (N5127.18 W00006.07);
Wimbledon Station (N5125.23 W00012.27);
The North West corner of Castelnau Reservoir (N5128.87 W00014.03);
Kew Bridge (N5129.18 W00017.17):

excluding so much of the bed of the River Thames as lies within that area between the ordinary high water marks on each of its banks.

The Air Navigation (Restriction of Flying) (Hyde Park) Regulations 2004

Coming into force: 28th October 2004

Whereas the Secretary of State for Transport deems it necessary in the public interest to restrict flying in airspace in the vicinity of Hyde Park, London:

Now therefore the Secretary of State for Transport, in exercise of the powers conferred by article 85 of the Air Navigation Order 2000[a], hereby makes the following Regulations:

1 These Regulations may be cited as the Air Navigation (Restriction of Flying) (Hyde Park) Regulations 2004 and shall come into force on 28th October 2004.

2

(1) Subject to paragraph (2), no aircrat shall fly below 1400 feet above mean sea level within the area bounded by:

(a) straight lines joining the following points:
513212N 0000911W;
and 513020N 0000648W;

(b) the clockwise arc of a circle having a radius of 0.55 nautical miles centred at 513000N 0000730W between 513020N 0000648W and 513001N 0000637W;

(c) straight lines joining the following points:
513001N 0000637W;
and 512917N 0000634W;

(d) the clockwise arc of a circle having a radius 0.55 nautical miles centred at 512915N 0000726W between 512917N 0000634W and 512917N 0000819W;

(e) straight lines joining the following points:
512917N 0000819W;
and 512939N 0001132W;

(f) the clockwise arc of a circle having a radius 0.55 nautical miles centred at 513011N 0001123W between 512939N 0001132W and 513028N 0001209W;

(g) straight lines joining the following points:
513028N 0001209W;
and 513208N 0001038W;

a S.I. 2000/1562; to which there are amendments not relevant to these Regulations.

(h) the clockwise arc of a circle having a radius 0.55 nautical miles centred at 513151N 0000952W between 513208N 0001038W and 513212N 0000911W;

(2) Paragraph (1) shall not apply to:

(a) any aircraft in the service of the Chief Officer of Police for the Metropolitan Police District;

(b) any aircraft flying in accordance with a Special Flight Notification issued by the appropriate air traffic control unit;

(c) any helicopter flying on Helicopter Route 4; and

(d) any aircraft flying in accordance with an Enhanced Non-Standard Flight clearance issued by the appropriate air traffic control unit.

The Air Navigation (Restriction of Flying) (Isle of Dogs) Regulations 2004

Coming into force: 28th October 2004

Whereas the Secretary of State for Transport deems it necessary in the public interest to restrict flying in airspace in the vicinity of Isle of Dogs, London:

Now therefore the Secretary of State for Transport, in exercise of the powers conferred by article 85 of the Air Navigation Order 2000[a], hereby makes the following Regulations:

1 These Regulations may be cited as the Air Navigation (Restriction of Flying) (Isle of Dogs) Regulations 2004 and shall come into force on 28th October 2004.

2

(1) Subject to paragraph (2), no aircraft shall fly below 1400 feet above mean sea level within the area bounded by:

(a) straight lines joining the following points:
513035N 0000025W; 512954N 0000033W; and 512938N 0000022W;

(b) the clockwise arc of a circle having a radius of 0.3 nautical miles centred at 512931N 0000049W between 512938N 0000022W and 512921N 0000113W;

(c) straight lines joining the following points:
512921N 0000113W; and 513000N 0000154W;

(d) the clockwise arc of a circle having a radius of 0.55 nautical miles centred at 513018N 0000110W between 513000N 0000154W and 513035N 0000025W;

(2) Paragraph (1) shall not apply to:

(a) any aircraft in the service of the Chief Officer of Police for the Metropolitan Police District;

(b) any aircraft flying in accordance with a Special Flight Notification issued by the appropriate air traffic control unit;

(c) any helicopter flying on Helicopter Route 4;

(d) any aircraft flying in accordance with an Enhanced Non-Standard Flight clearance issued by the appropriate air traffic control unit; and

(e) any aircraft approaching to, or departing from, London (City) Airport.

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a S.I. 2000/1562; to which there are amendments not relevant to these Regulations.

The Air Navigation (Restriction of Flying) (City of London) Regulations 2004

Coming into force: 28th October 2004

Whereas the Secretary of State for Transport deems it necessary in the public interest to restrict flying in airspace in the vicinity of the City of London:

Now therefore the Secretary of State for Transport, in exercise of the powers conferred by article 85 of the Air Navigation Order 2000[a], hereby makes the following Regulations:

1 These Regulations may be cited as the Air Navigation (Restriction of Flying) (City of London) Regulations 2004 and shall come into force on 28th October 2004.

2

(1) Subject to paragraph (2), no aircraft shall fly below 1400 feet above mean sea level within the area bounded by straight lines joining the following points:
513125N 0000547W;
513118N 0000439W; and
513043N 0000418W;
513016N 0000433W;
513037N 0000704W;
513108N 0000653W; and
513125N 0000547W.

(2) Paragraph (1) shall not apply to:

(a) any aircraft in the service of the Chief Officer of Police for the Metropolitan Police District;

(b) any aircraft flying in accordance with a Special Flight Notification issued by the appropriate air traffic control unit;

(c) any helicopter flying on Helicopter Route 4; and

(d) any aircraft flying in accordance with an Enhanced Non-Standard Flight clearance issued by the appropriate air traffic control unit.

The Air Navigation (Restriction of Flying) (London Stansted Airport) (No. 2) Regulations 2009

Expired.

a SI 2000/1562; to which there are amendments not relevant to these Regulations.

SECTION 6

The Civil Aviation Authority Regulations 1991

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The Secretary of State for Transport, in exercise of his powers under sections 2(3), 7(1) and (2), 11(2), 64(3), 65(1) and (6), 66(1) and (4), 67(1), (2) and (5), 84(1), 85(1) and 102(1) and (2) of and paragraph 15 of Schedule 1 to the Civil Aviation Act 1982[a] and of all other powers enabling him in that behalf, and after consultation with the Council on Tribunals under section 10 of the Tribunals and Inquiries Act 1971[b], hereby makes the following Regulations:

a 1982 c.16; section 7(2) was amended by the Criminal Justice Act 1982 (c.48), sections 40 and 46.

b 1971 c.62.

PART I
General

1 Citation and commencement

These Regulations may be cited as the Civil Aviation Authority Regulations 1991 and shall come into force on 1st September 1991.

2 Revocation

The Regulations specified in the Schedule hereto are hereby revoked.

3 Interpretation

(1) In these Regulations unless the context otherwise requires:

'the Act' means the Civil Aviation Act 1982;

'the Authority' means the Civil Aviation Authority;

'decision date' and 'transcript date' have the meanings respectively assigned to them in regulation 26(8);

'environmental application' and 'environmental proposal' have the meanings respectively assigned to them in regulation 19(1);

'hearing' or 'preliminary hearing' means a hearing or preliminary hearing at which oral evidence or argument may be heard and 'to hear' shall be construed accordingly;

'operating licence' means an operating licence granted by the CAA under Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24th September 2008 on common rules for the operation of air services in the Community;

'ordinary aerodrome licence' means an aerodrome licence granted under an Air Navigation Order which does not include a public use condition;

'party' in relation to a case before the Authority means for the purposes of Part II of these Regulations, a person having the right to be heard pursuant to regulation 13(1) and, for the purposes of Part III of these Regulations, a person having the right to be heard pursuant to regulation 25(1);

'party' in relation to an appeal to the Secretary of State means any of the persons specified in regulation 27(3)(c) and (d);

'the person concerned' means, in relation to the registration of aircraft, the applicant for registration or the person in whose name the aircraft is registered, as the case may be, and in relation to a certificate, licence, approval, authorisation, validation or rating, the holder or former holder of or applicant for the certificate, licence, approval, authorisation, validation or rating, as the case may be; and in relation to making air traffic directions or airspace policy directions, the person who has been directed;

'personnel licence' means a licence authorising a person to act as a member of a flight crew, an aircraft maintenance engineer, an air traffic controller, a student air traffic controller or an aerodrome flight information service officer;

'public use aerodrome licence' means an aerodrome licence granted under an Air Navigation Order which includes a public use condition;

'public use condition' means a condition included in an aerodrome licence granted under an Air Navigation Order that the aerodrome shall at all times when it is available for the take-off or landing of aircraft be so available to all persons on equal terms and conditions;

'rating' means a rating on a personnel licence;

'reportable occurrence' has the same meaning as in Article 94(2) of the Air Navigation Order 1989[a];

'statement of policies' means the publication of the Authority referred to in section 69 of the Act;

'statutory duties' means the duties of the Authority set out in sections 4 and 68 of the Act;

'to substitute an ordinary aerodrome licence for a public use aerodrome licence' means to vary a public use aerodrome licence by removing the public use condition and 'to substitute a public use aerodrome licence for an ordinary aerodrome licence' means to vary an ordinary aerodrome licence by adding a public use condition.

(2) Any reference in these Regulations to a numbered regulation shall be construed as a reference to the regulation bearing that number in these Regulations.

(3) Any period of time specified in these Regulations by reference to days, working days or months:

(a) where such period is expressed to begin after a particular date, shall begin on the first day after that date, and shall be inclusive of the last day unless that day falls on a Saturday, Sunday, Christmas Day, Good Friday or any

a Now revoked and replaced by the Air Navigation Order 2000

other day appointed by law to be a bank holiday in any part of the United Kingdom, in which case the period shall run to the immediately following working day; and

(b) where such period is expressed to run to or expire before a particular date or event, the period shall be calculated to expire on the last working day before the particular date or the date of that event.

(4) In computing any period of time specified in these Regulations by reference to hours or working days the whole of any Saturday, Sunday, Christmas Day, Good Friday or bank holiday shall be disregarded, and for that purpose any day which is appointed by law to be a bank holiday in any part of the United Kingdom shall be treated as a bank holiday.

(5) (Deleted)

4 Service of documents

(1) Subject to regulation 31A(5)(d) anything required to be served on any person under these Regulations or under section 66(4) or 84(1) of the Act shall be set out in a notice in writing which may be served either:

(a) by delivering it to that person;

(b) by leaving it at his proper address;

(c) by sending it by post to that address; or

(d) by sending it to him at that address by telex or other similar means which produce a document containing a text of the communication, in which event the document shall be regarded as served when it is received;

and where the person is a body corporate the document may be served upon the secretary of that body.

(2) For the purposes of this regulation the proper address of any person shall, in the case of a body corporate, be the registered or principal office of that body and in any other case be the last known address of the person to be served.

5 Publication by the Authority

Subject to regulation 31A(5)(b) any notice or other matter (not being a schedule of terms referred to in regulation 18) required by these Regulations, or by section 11(2), 64(3), 65(1) or (6) or 85(1) of the Act, to be published shall be published by the Authority in its Official Record.

PART II

Functions Conferred on the Authority by or under Air Navigation Orders

6 Regulation of the conduct of the Authority

(1) The functions conferred on the Authority by or under Air Navigation Orders with respect to:

(a) registration of aircraft;

(b) certification of operators of aircraft;

(c) certification of airworthiness of aircraft;

(d) noise certification;

(e) certification of compliance with the requirements for the emission by aircraft engines of unburned hydrocarbons;

(f) personnel licensing;

(g) licensing of aerodromes;

(h) validation of any certificate or licence;

(i) approval of equipment and approval or authorisation of persons;

(j) approval of schemes for the regulation of the flight times of aircraft crew;

(k) receiving reports of reportable occurrences;

(l) making air traffic directions;

(m) making airspace policy directions;

are hereby prescribed for the purposes of section 7(2) of the Act.

(2) Subject to paragraphs (8) and (9) of this regulation, a decision with respect to any of the matters referred to in paragraph (1) of this regulation, being a decision to register, refuse to register, cancel or amend the registration of an aircraft or to grant, refuse to grant, validate, refuse to validate, revoke, suspend, vary or refuse to vary a certificate, licence, approval, authorisation or rating, or make an air traffic direction or an airspace policy direction may be made on behalf of the Authority only by a member or employee of the Authority.

(3) Subject to paragraphs (8), (9) and (10) of this regulation, where –

(a) it is decided that it would be inexpedient in the public interest for an aircraft to be registered in the United Kingdom; or

(b) an application for the grant, validation or variation of a certificate, licence, approval, authorisation or rating has been refused or granted in terms other than those requested by the applicant;

the Authority shall serve on the applicant a notice stating the reasons for the decision, and the applicant may within 14 days after the date of service of that notice request that the case be reviewed by the Authority.

(4) Subject to paragraphs (8), (9) and (10) of this regulation, where it is proposed to:

(a) cancel the registration of an aircraft on the grounds that it would be inexpedient in the public interest for it to continue to be registered in the United Kingdom; or

(b) revoke, suspend or vary a certificate, licence, approval, authorisation, validation or rating or make an air traffic direction or an airspace policy direction under an Air Navigation Order otherwise than on the application of the holder;

the Authority shall serve on the person concerned notice of the proposal together with the reasons for it, and the person concerned may within 14 days after the date of service of that notice, serve on the Authority a request that the case be decided by the Authority and not by any other person on its behalf.

(5) Any person who has failed any test or examination which he is required to pass before he is granted or may exercise the privileges of a personnel licence may within 14 days after being notified of his failure, request that the Authority determine whether the test or examination was properly conducted.

(6)

(a) The function of deciding a case where such a request as is referred to in paragraph (3), (4) or (5) of this regulation has been duly served on the Authority is hereby prescribed for the purposes of section 7(1) of the Act: and for the purpose of making any decision in such a case a quorum of the Authority shall be one member.

(b) The Authority shall sit with such technical assessors to advise it as the Authority may appoint, but the Authority shall not appoint as an assessor any person who participated in the decision or proposal or in giving or assessing the test or examination which is to be the subject of the Authority's decision.

(7) Where a request under paragraph (3), (4) or (5) has been duly served, the Authority shall, before making a decision:

(a) consider any representations which may have been served on it by the person concerned within 21 days after the date of service of the notice under that paragraph given by the Authority; and

(b) where the person concerned has requested the opportunity to make oral representations in his representations under sub-paragraph (a) above, afford him an opportunity to make such representations and consider them.

(7A)

(a) Where an oral hearing is held it shall be held in public except where the Authority is satisfied that, in the interests of morals, public order, national security, juveniles or the protection of the private lives of the parties a private hearing is required, or where it considers that publicity would prejudice the interests of justice.

(b) Any person which the Authority, with the consent of the parties, permits to attend the hearing is entitled to do so, whether or not the hearing is in private.

(8) Nothing in this regulation shall:

(a) prevent the Authority or any person authorised so to act on behalf of the Authority from provisionally cancelling the registration of an aircraft or provisionally suspending or varying any certificate, licence, approval, authorisation, validation or rating granted or having effect under an Air Navigation Order or making a provisional air traffic direction pending inquiry into or consideration of the case;

(b) apply to the variation of a flight manual, performance schedule or other document incorporated by reference in a certificate of airworthiness;

(c) apply where the Authority refuses to register or cancels or amends the registration of an aircraft or refuses to grant or validate, grants or validates in terms other than those requested by the applicant, revokes, suspends or varies a certificate, licence, approval, authorisation or rating pursuant to a direction given by the Secretary of State.

(9) Nothing in paragraphs (2), (3) or (4) of this regulation shall apply:

(a) in respect of a medical certificate or certificate of test or experience relating to a personnel licence;

(b) where pursuant to its duty under section 5 of the Act, the Authority refuses an application for the grant of an aerodrome licence or grants such an application in terms other than those requested by the applicant or proposes to revoke, suspend or vary an aerodrome licence otherwise than on the application of the holder.

(10) Nothing in paragraphs (3) or (4) of this regulation shall apply where the Authority –

(a) refuses an application by the holder of an aerodrome licence for the substitution of an ordinary aerodrome licence for a public use aerodrome licence; or

(b) proposes, otherwise than on the application of the licence holder, to substitute a public use aerodrome licence for an ordinary aerodrome licence.

7 Reasons for decisions

Where the Authority makes a decision pursuant to regulation 6(6) it shall be the duty of the Authority to serve a statement of its reasons for the decision on the person concerned.

8 Inspection of aircraft register

The Authority shall, at all reasonable times and upon payment to it of any applicable charge under section 11 of the Act for inspecting the register, make the register of aircraft available for inspection by any person.

9 Dissemination of reports of reportable occurrences

The Authority shall make available, upon payment to it of any applicable charge under section 11 of the Act, reports of reportable occurrences or a summary of such reports, to any person who is:

(a) the operator or member of the flight crew of any aircraft;

(b) engaged in the design, manufacture, repair, maintenance or overhaul of aircraft, or of parts or equipment therefor;

(i) the provider of an air traffic control service;

(c) the aeronautical authority of a country other than the United Kingdom, or the representative in the United Kingdom of such an authority;

(d) engaged in writing about civil aviation for publication in any newspaper, periodical, book or pamphlet;

(e) engaged in preparing a programme about civil aviation for television or radio;

(f) engaged in the study of civil aviation for any academic purpose; or

(g) any other person whose functions include the furthering of the safety of civil aviation:

Provided that the Authority shall not be required to make available any report or summary thereof to any person if it is satisfied that to do so will not further the safety of civil aviation.

10 Substitution of a public use aerodrome licence for an ordinary aerodrome licence or of an ordinary aerodrome licence for a public use aerodrome licence

(1) The Authority shall refuse to consider an application for the substitution of an ordinary aerodrome licence for a public use aerodrome licence unless:

(a) the application is made by the holder of the licence;

(b) it contains a statement of the grounds on which the application is made; and

(c) the application is accompanied by any applicable charge under section 11 of the Act.

(2) The Authority shall refuse to consider an application for the substitution of a public use aerodrome licence for an ordinary aerodrome licence unless:

(a) it is made by:

(i) the holder of the licence;

(ii) any other holder of an aerodrome licence granted under an Air Navigation Order;

(iii) the holder of any air operator's certificate granted under an Air Navigation Order;

(iv) the holder of any air transport licence granted under the Act or of any operating licence; or

(v) the operator of any aircraft who satisfies the Authority that an aircraft operated by him has, during the 12 months immediately preceding the date on which the application is made, been granted or refused permission to land at or take off from the aerodrome to which the licence relates;

(b) it contains a statement of the grounds on which the application is made;

(c) the application is accompanied by any applicable charge under section 11 of the Act; and

(d) if made by someone other than the holder of the ordinary aerodrome licence, a copy of the application has been served on the holder within 24 hours after it has been served on the Authority.

(3) The Authority shall as soon as may be after an application has been served upon it in accordance with this regulation publish such particulars of the application as it thinks necessary for indicating the substance of the application and shall make a copy of the application available at its principal office for inspection by any person at any reasonable time:

Provided that nothing herein shall require the Authority to publish an application for the substitution of a public use aerodrome licence for an ordinary aerodrome licence which is made by the holder of the licence.

(4) If the Authority proposes to substitute a public use aerodrome licence for an ordinary aerodrome licence it shall serve on the holder of that licence particulars of the proposal and of the reasons for it and shall publish those particulars and reasons.

11

Any person may serve on the Authority an objection to or representation about an application or proposal published pursuant to regulation 10 if –

(a) he does so within 21 days after the date of publication;

(b) he serves a copy of his objection or representation on the applicant and on the holder of the aerodrome licence to which the application or proposal relates within 24 hours after it has been served on the Authority; and

(c) he states the grounds of his objection or representation.

12

Before the date fixed for the hearing of a case pursuant to regulation 13, the Authority shall serve on any person who has the right to be heard in connection with the case or whom the Authority proposes to hear a copy of, or a summary of, any information in the possession of the Authority which has been provided in connection with the case or which the Authority has reason to believe will be referred to at the hearing of the case:

Provided that before serving such information which has been provided by any other person (not being a person who has provided information in connection with the case but does not wish to be heard), the Authority shall consult that person and shall not serve any information which in its opinion relates to the commercial or financial affairs

of the person who has provided it and cannot be disclosed to the prospective recipient without disadvantage to the person who has provided it which, by comparison with the advantage to the public and the prospective recipient of disclosure to him, is unwarranted.

13

(1) Before any decision is made on an application or proposal published pursuant to regulation 10 the following persons shall have a right to be heard:

(a) the applicant;

(b) the holder of any air transport licence or operating licence;

(c) the holder of any air operator's certificate granted under an Air Navigation Order;

(d) the holder of any aerodrome licence granted under an Air Navigation Order;

(e) such persons (being persons who wish to be heard and who have served objections or representations pursuant to regulation 11 expressing the views of operators of aircraft described in regulation 10(2)(a)(v)) as appear to the Authority to be representative of those who have served such objections or representations:

Provided that no person (other than the applicant and the holder of the licence to which the decision will relate) shall have a right to be heard unless he has served an objection or representation pursuant to regulation 11 and in so doing has stated that he wishes to be heard.

(2) Notwithstanding that a person does not have a right to be heard, the Authority may, if it thinks fit, hear him:

Provided that no person shall be heard pursuant to this paragraph unless he has served an objection or representation pursuant to regulation 11.

(3) No hearing shall be held pursuant to this regulation unless the Authority has served on all persons having a right to be heard and whom it proposes to hear in connection with the case not less than 14 days' notice of the date, time and place of the hearing, and the notice shall clearly identify the application or proposal to which it relates: a similar notice shall be published not less than 7 days before the date of the hearing, and shall be exhibited in a public place in the Authority's principal office during the 7 days immediately preceding the date of the hearing.

14

(1) The function of making a decision on an application or proposal published pursuant to regulation 10 is hereby prescribed for the purposes of section 7(1) of the Act, and for the purposes of making such a decision and of conducting a hearing pursuant to regulation 13 a quorum of the Authority shall be two members:

Provided that the quorum shall be one member, if the persons having the right to be heard in connection with the case have so consented.

(2) Hearings shall be conducted by the Authority, sitting with such employees of the Authority acting as advisers as it thinks fit.

(3) At a hearing every party to the case may appear in person or be represented by any other person whom he may have authorised to represent him and may produce oral and written evidence and may examine any other party to the case, any person whom the Authority hears pursuant to regulation 13(2) and any witnesses produced by any such party or person: the Authority may, to such extent as it thinks fit, permit any person heard by it pursuant to regulation 13(2) to exercise at the hearing the rights set out in this paragraph of a party to the case.

(4) Any person who has served an objection or representation pursuant to regulation 11 but who does not wish to be heard, may make a written submission which he shall serve on the Authority not less than 3 working days before the date fixed for the hearing of the case.

(5) Every hearing shall be held in public unless the Authority shall otherwise decide in relation to the whole or part of a particular case.

(6) The failure of the Authority or of any person to give notice or publish any particulars in the time or manner provided for in these Regulations or any other procedural irregularity shall not invalidate the action taken by the Authority; and the Authority may, and shall if it considers that any person may have been prejudiced, take such steps as it thinks fit before reaching its decision to cure the irregularity, whether by the giving of notice or otherwise.

(7) All the proceedings at a hearing of the Authority in connection with the case shall be recorded by a shorthand writer or by some other means, and if any person requests a record of the proceedings the Authority shall cause a mechanical recording or transcript of the shorthand or other record to be made available for purchase by that person at a reasonable price:

Provided that:

(a) the Authority shall not be required to make available a mechanical recording or transcript of the record of the proceedings at any time after

the expiry of one year from the day of publication of its decision of the case; and

(b) a mechanical recording or transcript of the record of proceedings conducted otherwise than in public shall only be required to be made available for purchase by any party to the case or by any other person heard by the Authority at those proceedings.

(8) The Authority shall furnish a statement of its reasons for the decision to the parties to the case and to any person whom it has heard in connection with the case:

(9) Provided that no statement of reasons need be furnished when an application is granted on the application of the holder of the licence to which the decision relates and no objections or representations have been served pursuant to regulation 11.

(10) The Authority may exclude from its statement of reasons furnished to any person (hereinafter referred to as 'the relevant person') any matter if it considers it necessary to do so for the purpose of withholding from the relevant person information which in the opinion of the Authority relates to the commercial or financial affairs of another person and cannot be disclosed to the relevant person without disadvantage to the other person which, by comparison with the advantage to the public and the relevant person of disclosure to him, is unwarranted.

(11) The Authority may publish in such manner as it thinks fit particulars of, and its reasons for, any decision taken by it with respect to an application published pursuant to regulation 10.

PART III

Air transport licensing

15 Regulation of the conduct of the Authority

(1) The function of making a decision to:

(a) grant, revoke, suspend or vary other than provisionally an air transport licence or a route licence in a case where an objection has been served pursuant to regulation 20;

(b) grant or vary other than provisionally a licence in terms other than those requested by the applicant;

(c) refuse to grant a licence;

(d) hold or refuse to hold a preliminary hearing;

(e) provisionally vary a licence where representations have been served pursuant to regulation 24(2);

(f) revoke or suspend an operating licence otherwise than at the request of the holder; or

(g) refuse to grant an operating licence

is hereby prescribed for the purposes of section 7(1) of the Act.

(2) For the purposes of making any such decision as is referred to in paragraph (1)(a) to (c), (f) and (g) of this regulation and of conducting a hearing pursuant to regulation 26(1) a quorum of the Authority shall be two members unless –

(a) the Authority has dispensed with publication of the application or proposal in accordance with the proviso to regulation 16(3) or to regulation 17(2);

(b) the decision is to suspend the licence in accordance with regulation 17(3);

(c) the Authority has, in accordance with regulation 20(1), specified less than 21 days for serving an objection to or representation about the application or proposal;

(d) the Authority has, in accordance with the proviso to regulation 25(3) given the persons having a right to be heard and whom it proposes to hear in connection with the case less than 14 days' notice of the date of the hearing; or

(e) the persons having the right to be heard in connection with the case have consented to a quorum of the Authority being one member; in which case the quorum shall be one member.

(3) For the purposes of making such a decision as is referred to in paragraph (1)(d) or (e) of this regulation and of conducting a preliminary hearing pursuant to regulation 24 a quorum of the Authority shall be one member.

(4) Any other decision to grant, revoke, suspend or vary an air transport licence or a route licence and any other decision to grant, revoke or suspend an operating licence may be made on behalf of the Authority only by a member or employee of the Authority.

(5) The functions conferred upon the Authority by sections 64 to 67 of the Act are hereby prescribed for the purposes of section 7(2) thereof.

16 Application for the grant, revocation, suspension or variation of licences

(1) The Authority may refuse to consider an application for the grant, revocation, suspension or variation of an air transport licence or a route licence unless:

(a) subject to regulation 24, in the case of an application for the grant of a licence it has been served on the Authority not less than 6 months before the beginning of the period for which the licence is proposed to be in effect, and in any other case it has been served on the Authority not less than 6 months before the date on which it is proposed that the revocation, suspension or variation shall take effect;

(b) in the case of an application for the grant of a licence, the application contains all the particulars specified by the Authority in accordance with section 65(1) of the Act; and

(c) the application is accompanied by any applicable charge under section 11 of the Act.

(2) The Authority shall refuse to consider an application for the revocation, suspension or variation of an air transport licence or a route licence made by a person other than the holder of the licence unless a copy of the application has been served on the holder within 24 hours after it has been served on the Authority.

(3) The Authority shall as soon as may be after an application for the grant, revocation, suspension or variation of an air transport licence or a route licence has been served upon it in accordance with this regulation publish such particulars of the application as it thinks necessary for indicating the substance of the application, and shall make a copy of the application available at its principal office for inspection by any person at any reasonable time:

Provided that, except in the case of an environmental application,

(a) the Authority may dispense with publication in any case where it is satisfied that for reasons of urgency it is desirable to do so and it is of the opinion that to do so is unlikely to prejudice the interests of any persons of a description specified in regulation 25(1);

(b) the Authority may dispense with publication in the case of an application:

(i) for the grant of a licence for not more than four flights in any one direction between the same two places;

(ii) made by its holder for the revocation or suspension of a licence;

(iii) for the variation of a licence if in its opinion to do so is unlikely to prejudice the interests of any persons of a description specified in regulation 25(1).

(c) If within 12 months after the date on which objections to and representations about an application for the grant, variation, suspension or revocation of an air transport licence or a route licence must have been served on the Authority pursuant to regulation 20, the Authority has neither made a decision on the application nor given notice pursuant to regulation 25(3) of the date, time and place of the hearing of such application, it shall as soon as may be republish such particulars of the application as it thinks necessary for indicating the substance of the application and shall republish such particulars at 12 monthly intervals thereafter until such time as a decision has been made on the application or notice has been given as aforesaid pursuant to regulation 25(3).

(d) The Authority may direct that an application shall be treated as being such number of separate applications as it may specify in the direction, and the application shall be treated accordingly.

(e) Any person of a description specified in regulation 25(1)(b) to (d) may apply to the Authority for the variation, suspension or revocation of an air transport licence or a route licence but, except as provided in regulation 18(3), no person may apply for the variation of such a schedule of terms as is mentioned in regulation 18.

17 Revocation, suspension or variation of licences without application being made

(1) Subject to paragraph (3) of this regulation, if the Authority proposes to revoke, suspend, or vary an air transport licence (other than in pursuance of an application made to it in that regard) on the ground that it is not or is no longer satisfied as to the matters specified in paragraph (a) or (b) of section 66(3) of the Act, it shall:

(a) serve on the holder of the licence not less than 21 days' notice of its intention to publish particulars of the proposal together with the reasons for its proposal;

(b) consider any representations which may be made to it by the holder of the licence before the expiration of the said notice; and

(c) as soon as may be after the expiration of the said notice or at such earlier time as the Authority and the holder of the licence may agree, publish particulars of the proposal unless it has abandoned the proposal:

Provided that the Authority may:

(i) with the consent of the holder of the licence, dispense with publication of its proposal to revoke or suspend the licence;

(ii) dispense with publication of its proposal to vary the licence if it is satisfied that the variation is unlikely to prejudice the interests of any persons of a description specified in regulation 25(1).

(2) Subject to paragraph (3) of this regulation, if the Authority proposes to revoke, suspend or vary an air transport licence on grounds other than those referred to in paragraph (1) of this regulation and otherwise than in pursuance of an application made to it in that regard, or proposes to revoke, suspend or vary a route licence otherwise than in pursuance of an application made to it in that regard, it shall publish particulars of the proposal and of the reasons for it, unless –

(a) the Secretary of State has directed the Authority to revoke, suspend or vary the licence as proposed or the proposal is made pursuant to a direction made by the Secretary of State under regulation 29(1) to re-hear the case;

(b) the Authority's duty under section 31(2) of the Airports Act 1986a (being a duty so to perform its air transport licensing functions as to secure that any traffic distribution rules in force under section 31 of the said Act are complied with) requires it to revoke, suspend or vary the licence as proposed;

(c) except in the case of an environmental proposal, the Authority is satisfied that to dispense with publication is unlikely to prejudice the interests of any person of a description specified in regulation 25(1) and the holder of the licence consents to the proposal not being published.

a 1986 c.31.

(3) The Authority may suspend an air transport licence notwithstanding that it has not complied with the requirements of paragraph (1) or (2) of this regulation if it has served on the holder of the licence not less than 6 working days' notice of its proposal to suspend the licence, together with its reasons for the proposal, and if, after considering any representations which may be made to it by the holder of the licence before the expiration of such notice it is not, or is no longer, satisfied as mentioned in section 66(3) (a) or (b) of the Act.

(4) Before reaching a decision that it has reason to believe that the holder of an air transport licence or a route licence is neither a United Kingdom national nor such a body as is mentioned in section 65(3)(b) of the Act, the Authority shall:

(a) serve on the holder of the licence not less than 21 days' notice of its intention to consider the matter; and

(b) consider any representations which may be made to it by the holder of the licence before the expiration of the said period.

18 Variation of schedules of terms

(1) If the Authority establishes any schedule of terms and includes in any air transport licence or a route licence a term that the holder of the licence shall comply with terms set out in that schedule as varied from time to time by the Authority, the Authority may at any time propose to vary that schedule or any part thereof, and any such proposal shall for the purposes of these Regulations be treated as a proposal for the variation of every air transport licence or a route licence which contains such a term as aforesaid relating to that schedule or that part of that schedule, as the case may be.

(2) When any air transport licence or a route licence contains such a term as aforesaid relating to a schedule, the Authority shall publish that schedule and any variation to it in its Official Record or otherwise.

(3) An application for the variation of the schedule of terms set out in a document published by the Authority and entitled the United Kingdom Cabotage Air Passenger Tariff may be made by the holder of any air transport licence or a route licence which includes a term requiring the holder of the licence to comply with that schedule of terms as varied from time to time by the Authority, and any such application shall for the purposes of these Regulations be treated as an application for the variation of every air transport licence or a route licence which contains such a term as aforesaid.

(4) The Authority shall maintain a list of the names and addresses of all persons who hold a licence which includes such a term as is referred to in paragraph (3) of this regulation and shall serve copies of that list on any person who so demands.

19 Environmental cases

(1) For the purposes of this part of these Regulations, 'environmental application' and 'environmental proposal' mean respectively an application and a proposal for the grant or variation of an air transport licence, being a licence which authorises, or which if granted would authorise, the holder to operate –

(a) a helicopter at a height of less than 3000 feet above the surface for the greater part of the distance which it flies over land; or

(b) any aircraft in circumstances which, in the opinion of the Authority, will or may cause an exceptional amount of noise, vibration, pollution or other disturbance;

but do not include:

(i) any such application or proposal which is not, in the opinion of the Authority, an application or proposal relating to a licence to operate a regular and frequent service; or

(ii) any such proposal made by the Authority to vary a licence on the ground that it is not or is no longer satisfied as to the matters specified in paragraph (a) or (b) of section 66(3) of the Act.

(2) If the Authority receives an environmental application or makes an environmental proposal it shall designate the case as an environmental case and publish notice of the designation.

20 Objections and representations

(1) Any person may serve on the Authority an objection to or representation about an application or proposal for the grant, revocation, suspension or variation (other than the provisional variation) of an air transport licence or a route licence if he does so:

(a) where an application or proposal is published within such period (being, subject to paragraph (2) of this regulation, not more than 21 days nor less than 7 days) as the Authority may specify when publishing the application or proposal;

(b) where the application or proposal is not published, but he has been notified by the Authority that the application or proposal has been made and will not be published, within 3 working days after being so notified:

Provided that nothing herein shall:

(i) permit the Authority to specify a period of less than 21 days for the service of objections or representations unless it is satisfied that for reasons of urgency it is desirable to do so;

(ii) permit the Authority to specify a period of less than 21 days for the service of objections or representations in a case where it has made a proposal pursuant to regulation 17, unless it has proposed to –

- revoke, suspend or vary an air transport licence or a route licence in accordance with a direction given by the Secretary of State.
- (Deleted)

(2) If the Authority receives an environmental application or makes an environmental proposal it shall specify 42 days from the date of publication of the notice of designation pursuant to regulation 19 as the period for service of objections or representations on grounds of noise, vibration, pollution or other disturbance.

(3) Where the person making the objection or representation is the holder of an air transport licence or a route licence he shall, within 24 hours after it has been served on the Authority, serve a copy of it on:

(a) the applicant;

(b) any other person who is the holder of the licence to which the application or proposal relates; and

(c) any person whom the Authority is obliged by regulation 21 to consult in respect of the application or proposal;

and where the person making the objection or representation is not the holder of an air transport licence or a route licence, the Authority shall within 7 days after the day on which the objection or representation has been served on the Authority serve a copy of it on the said persons, indicating whether the person making the objection or representation wishes to be heard pursuant to regulation 25.

(4) Upon being served as aforesaid, the applicant shall, if so required in writing by the person making the objection or representation, serve him with a copy of the application within 3 working days after being required so to do.

(5) References in this regulation to publication include references to republication pursuant to regulation 16(4), but when an application is republished, nothing in this regulation shall require a person who has served an objection to or representation about the application when it was previously published to re-serve that objection or representation.

21 Consultation by the Authority

The Authority shall not grant, refuse to grant, revoke, suspend or vary any air transport licence or a route licence authorising flights to, from or within:

(a) (Deleted)

(b) the Isle of Man, without consulting the Isle of Man Department of Highways, Ports and Properties; or

(c) Gibraltar, without consulting the Secretary of State;

and subject to regulation 26(5) such consultations shall be completed before the date fixed for the hearing of the case pursuant to regulation 25:

Provided that consultation as aforesaid shall not be required in a case where:

(i) the application or licence in question is for not more than four flights in any one direction between the same two places;

(ii) the Authority is acting in pursuance of its duty under section 65(2) or (3) or 66(3) of the Act;

(iii) the Authority's duty under section 31(2) of the Airports Act 1986 requires it to refuse to grant or to revoke, suspend or vary the licence; or

- the Authority is acting in pursuance of its duty under section 69A(4) of the Act.

22 Furnishing of information by the Authority

Before the date fixed for the hearing of a case pursuant to regulation 25, the Authority shall serve on any person who has the right to be heard in connection with the case or whom the Authority proposes to hear or is required to consult pursuant to regulation 21 a copy of, or a summary of, any information in the possession of the Authority which has been provided in connection with the case or which the Authority has reason to believe will be referred to at the hearing of the case:

Provided that:

(i) the Authority shall not serve any such information which has been provided by the Secretary of State if the Secretary of State has certified to the Authority that it would not be in the public interest for it to be disclosed;

(ii) before serving such information which has been provided by any other person (not being a person who has provided information in connection with the case but does not wish to be heard) the Authority shall consult that person and shall not serve any information which in its opinion relates to the commercial or financial affairs of the person who has provided it and cannot be disclosed to the prospective recipient without disadvantage to the person who has provided it which, by comparison with the advantage to the public and the prospective recipient of its disclosure to him, is unwarranted.

23 Preliminary Meetings

(1) Before the date fixed for the hearing of a case pursuant to regulation 25, the Authority may hold a preliminary meeting to discuss the conduct of the case.

(2) The Authority shall give to every party to the case and to every person whom the Authority proposes to hear in connection with the case and to any person consulted by the Authority pursuant to regulation 21 who has responded in writing notice of the date, time and place of the preliminary meeting and any such person may attend in person or be represented by any person whom he may have authorised to represent him.

(3) Preliminary meetings shall be conducted on behalf of the Authority only by a member or employee of the Authority.

24 Preliminary hearings of allegations of behaviour damaging to a competitor

(1) This regulation applies where the holder of any air transport licence or a route licence (hereinafter in this regulation referred to as 'the applicant'):

(a) has applied to the Authority for the variation of an air transport licence or a route licence held by another person (hereinafter in this regulation referred to as 'the respondent') for the purpose of restraining the respondent from engaging in behaviour damaging to the applicant's business;

(b) has included in his application a statement giving particulars of the behaviour complained of and of the extent to which the applicant's business is being or is likely to be damaged thereby;

(c) has asked for a preliminary hearing of the application with a view to the respondent's air transport licence or a route licence being provisionally varied pending a hearing pursuant to regulation 25; and

(d) has served a copy of his application on the respondent on the same day as he has served it on the Authority.

(2) The respondent shall, within 5 working days after the date of service of the application, serve on the Authority and on the applicant any representations he may wish the Authority to take into account in determining whether to hold a preliminary hearing.

(3) The Authority shall within 10 working days after the date of service of the application notify the applicant, the respondent and any person it is obliged by regulation 21 to consult in respect of the application of the date (which shall be within 20 working days after the date of service of the application), time and place of the preliminary hearing or of the fact that it has decided not to hold a preliminary hearing.

(4) Notice of the date, time and place of a preliminary hearing shall be of such length as is reasonably practicable and shall be given by such means (whether oral or written) as the Authority thinks fit.

(5) The Authority shall hold a preliminary hearing only if, having considered the terms of the application and of any representations served on it pursuant to paragraph (2) of this regulation, it is of the opinion that –

(a) there is prima facie evidence that the behaviour complained of by the applicant is being engaged in by the respondent and that behaviour has or is likely to have the effect of seriously damaging the business of the applicant; and

(b) having regard to its statutory duties, its statement of policies and to the urgency of the matter such a hearing is warranted.

(6) The applicant and the respondent shall have a right to be heard at a preliminary hearing and the Authority may hear such other persons as it thinks fit.

(7) Regulations 21, 22 and 26(1), (4), (6) and (7) shall apply in relation to a preliminary hearing as they apply in relation to a hearing pursuant to regulation 25.

(8) At a preliminary hearing the applicant and the respondent shall have the same rights as a party to a case in a hearing pursuant to regulation 25 and the Authority may, to such extent as it thinks fit, permit any other person whom it decides to hear to exercise the same rights.

(9) Where any person whom the Authority is obliged by regulation 21 to consult in respect of the application attends the preliminary hearing the Authority shall give him opportunity at the preliminary hearing to make observations on the evidence and arguments advanced by the applicant and the respondent and by any other person whom the Authority has decided to hear: and where any such observations are made the Authority shall give the applicant, the respondent and any other person it has decided to hear opportunity at the preliminary hearing to respond to them.

(10) Within 5 working days after the end of the preliminary hearing the Authority shall notify the applicant and the respondent and any person it is obliged by regulation 21 to consult in respect of the application –

(a) whether or not it has decided provisionally to vary the respondent's licence;

(b) if so, the terms of the provisional variation; and

(c) the date, time and place of the hearing to be held pursuant to regulation 25;

and shall furnish its reasons for the decision, as required by section 67(2) of the Act within 10 working days after the end of the preliminary hearing.

(11) The only decision which may be taken by the Authority after a preliminary hearing is a decision provisionally to vary or to refuse provisionally to vary the respondent's air transport licence or a route licence: and if the Authority provisionally varies the respondent's licence it shall in so doing provide that the provisional variation will cease to have effect when the decision reached by the Authority following a hearing pursuant to regulation 25 takes effect.

25 Hearings in connection with licences

(1) Before any decision to grant, refuse to grant, revoke, suspend or vary (other than provisionally) an air transport licence or a route licence is made, the following persons shall have a right to be heard:

(a) the applicant;

(b) the holder of an operating licence, any air transport licence or a route licence;

(c) the holder of any air operator's certificate granted under an Air Navigation Order;

(d) the holder of any aerodrome licence granted under an Air Navigation Order;

(e) such persons (being persons who wish to be heard and who have served objections or representations pursuant to regulation 20 expressing the views of passengers or shippers of cargo) as appear to the Authority to be representative of those who have served such objections or representations;

(f) where the Authority has designated the case as an environmental case pursuant to regulation 19, such persons (being persons who wish to be heard and who have served objections or representations on grounds of noise, vibration, pollution or other disturbance pursuant to regulation 20(2)) as appear to it to be representative of those who have served such objections or representations:

Provided that:

(i) no person (other than the applicant and the holder of the licence to which the decision will relate) shall have a right to be heard unless he has served an objection or representation pursuant to regulation 20 and (unless he is a person of a description specified in subparagraph (e) or (f) of this regulation) in so doing has stated that he wishes to be heard;

(ii) no person shall be heard before a decision is made by the Authority in a case where the Secretary of State has directed that the licence be granted, refused, revoked, suspended or varied or where the Authority's duty under section 31(2) of the Airports Act 1986 or under section 69A(4) of the Act requires that the licence be refused, revoked, suspended or varied.

(2) Notwithstanding that a person does not have the right to be heard, the Authority may, if it thinks fit, hear him:

Provided that no person shall be heard pursuant to this paragraph:

(i) unless he has served an objection or a representation pursuant to regulation 20;

(ii) in a case where such a direction as is referred to in proviso (ii) to paragraph (1) of this regulation has been given.

(3) No hearing shall be held pursuant to this regulation unless the Authority has served on all persons having a right to be heard and whom it proposes to hear in connection with the case and on any person who has been consulted by the Authority pursuant to regulation 21 and who has responded in writing not less than 14 days' notice of the date, time and place of the hearing, and the notice shall clearly identify the application or proposal to which it relates: a similar notice shall be published not less than 7 days before the date of the hearing, and shall be exhibited in a public place in the Authority's principal office during the 7 days immediately preceding the date of the hearing:

Provided that in cases where the Authority is satisfied that for reasons of urgency it is desirable to do so, a hearing may be held without such notice having been served, published and exhibited as aforesaid if the Authority has given notice of the date, time and place of the hearing, being notice of such length and by such means (whether oral or written) as it thinks fit, to the applicant and any person of a description specified in paragraph (1) of this regulation whose interests are in the opinion of the Authority likely to be prejudiced by the granting of the application and to any person consulted by the Authority pursuant to regulation 21.

(4) Two or more cases may be heard together, if the Authority thinks fit, but a party to one case shall not on that account be deemed to be a party to any other case.

26 Procedure at hearings

(1) Hearings shall be conducted by the Authority, sitting with such employees of the Authority acting as advisers as it thinks fit.

(2) At a hearing every party to a case may appear in person or be represented by any other person whom he may have authorised to represent him, and may produce oral and written evidence and may examine any other party to that case, any person whom the Authority hears pursuant to regulation 25(2) and any witnesses produced by any such party or person: the Authority may, to such extent as it thinks fit, permit any person heard by it pursuant to regulation 25(2) to exercise at the hearing the rights set out in this paragraph of a party to the case.

(3) Any person who has served an objection or representation pursuant to regulation 20 but who does not wish to be heard, may make a written submission which he shall serve on the Authority not less than 3 working days before the date fixed for the hearing of the case.

(4) Every hearing shall be held in public unless the Authority shall otherwise decide in relation to the whole or part of a particular case.

(5) Where any person consulted by the Authority pursuant to regulation 21 has responded in writing and that person or a person acting on behalf of that person attends the hearing the Authority shall give him opportunity at the hearing to make observations on the evidence and arguments advanced by the parties to the case and by any persons heard by the Authority pursuant to regulation 25(2), and where any such observations are made the Authority shall give the parties to the case, and any person heard pursuant to regulation 25(2), opportunity at the hearing to respond to them.

(6) The failure of the Authority or of any person to give notice or publish any particulars in the time or manner provided for in the Act or in these Regulations or any other procedural irregularity shall not invalidate the action taken by the Authority; and the Authority may, and shall if it considers that any person may have been prejudiced, take such steps as it thinks fit before reaching its decision to cure the irregularity, whether by the giving of notice or otherwise.

(7) All the proceedings at a hearing of the Authority in connection with a case shall be recorded by a shorthand writer or by some other means, and if any person requests a record of the proceedings the Authority shall cause a mechanical recording or transcript of the shorthand or other record to be made available for purchase by that person at a reasonable price:

Provided that:

(a) the Authority shall not be required to make available a mechanical recording or transcript of the record of the proceedings at any time after the expiry of one year from the day of publication of its decision of the case; and

(b) a mechanical recording or transcript of the record of proceedings conducted otherwise than in public shall only be required to be made available for purchase by any party to the case or by any other person heard by the Authority at those proceedings.

(8) When the Authority provides to a person having a right of appeal pursuant to regulation 27(1) –

(a) notification in writing of its decision of the case, the notification shall specify a date, being not less than 3 working days after the date on which a copy of the notification was available for collection by or despatch to that person (which date is hereinafter referred to as 'the decision date');

(b) a mechanical recording or transcript of the record of proceedings in the case pursuant to a request made by that person within 7 days after the decision date, the recording or transcript shall be accompanied by a statement specifying a date, being not less than 3 working days after the date on which the recording or transcript was available for collection by or despatch to that person (which date is hereinafter referred to as 'the transcript date'); and the Authority shall as soon as may be thereafter publish the decision date and the transcript date.

27 Appeals to the Secretary of State

(1) Every party to a case before the Authority (not being a person having a right to be heard by virtue only of regulation 25(1)(e) or (f)) shall have a right of appeal to the Secretary of State in accordance with the provisions of this regulation from the Authority's decision with respect to an air transport licence or an application for a licence.

(2) An appeal to the Secretary of State shall be made by a notice signed by or on behalf of the appellant and clearly identifying the case to which it relates and stating the grounds on which the appeal is based and the arguments on which the appellant relies.

(3) The appellant shall serve the notice of appeal on:

(a) the Secretary of State;

(b) the Authority;

(c) each of the parties to the case before the Authority;

(d) each person whom, pursuant to regulation 25(2), the Authority had decided to exercise its discretion to hear in connection with the case, whether that person was heard or not; and

(e) any person consulted by the Authority, pursuant to regulation 21, in connection with the case.

(4) Subject to paragraph (9) of this regulation, the notice of appeal shall be served within 21 days after the decision date or, if the appellant has made such a request as is referred to in regulation 26(8) and has within 24 hours after making his request to the Authority served notice on each of the persons referred to in paragraph (3)(a), (c), (d) and (e) of this regulation that he has done so, not later than 21 days from the transcript date.

(5) Any person having the right to appeal against a decision of the Authority may require it to furnish him with the names and addresses of the persons of the description specified in paragraph (3)(c), (d) or (e) of this regulation.

(6) Subject to paragraph (9) of this regulation, any party to the appeal (other than the appellant) and any person who has been served with notice of the appeal pursuant to paragraph 3(e) of this regulation may within 14 days after service thereof serve on the Secretary of State a submission giving reasons why the Authority's decision should or should not be upheld and shall within such period serve copies of any such submission on the Authority, the appellant and the persons who have been served with notice of the appeal pursuant to paragraph (3)(c), (d) and (e) of this regulation.

(7) Subject to paragraph (9) of this regulation, within 28 days after receiving notice of an appeal, the Authority shall serve on the Secretary of State any submission it may wish to make in connection with the appeal, including, if it thinks fit, an amplification and explanation of the reasons for its decision, and shall, within such period, serve copies of any such submission on the appellant and on the persons who have been served with notice of the appeal pursuant to paragraph (3)(c), (d) and (e) of this regulation.

(8) Subject to paragraph (9) of this regulation, within 14 days after the expiry of the period of 28 days referred to in the preceding paragraph of this regulation, the appellant may serve on the Secretary of State a reply to any submission made pursuant to paragraph (6) or (7) of this regulation and shall within such period serve copies of any such reply on the Authority and on the persons who have been served with notice of the appeal pursuant to paragraph (3)(c), (d) and (e) of this regulation.

(9) (Deleted)

(10) Before deciding an appeal the Secretary of State may:

(a) ask the appellant, any other person who has made a submission pursuant to the preceding paragraphs of this regulation, or the Authority, to amplify or explain any point made by them or to answer any other question, the answer to which appears to the Secretary of State necessary to enable him to determine the appeal, and the Secretary of State shall as the case may be give the appellant, the other parties to the appeal and the

Authority an opportunity of replying to such amplification, explanation or answer;

(b) obtain from the Authority any information which is in the possession of the Authority but which, pursuant to paragraph (ii) of the proviso to regulation 22 the Authority did not furnish to any person having the right to be heard by the Authority in connection with the case: the Secretary of State shall give the Authority and the person who provided the information to the Authority an opportunity of making written submissions in connection with any information so obtained: a copy of any submission of the Authority made pursuant to this subparagraph shall be served only on the person who provided the information to the Authority and a copy of any submission of that person or body made pursuant to this subparagraph shall be served only on the Authority.

(11) In the appeal proceedings no person may submit to the Secretary of State evidence which was not before the Authority when it decided the case.

28 Appeal from decisions after preliminary hearings of allegations of behaviour damaging to a competitor

(1) Regulation 27 shall apply in relation to appeals from decisions of the Authority after preliminary hearings of allegations of behaviour damaging to a competitor as it applies in relation to any other case but with the modifications herein set out.

(2) Those modifications are:

(a) in paragraph (1) the reference to every party shall be taken as a reference to the applicant and the respondent;

(b) in paragraph (3) the reference in subparagraph (c) to each of the parties shall be taken as a reference to the applicant or respondent, as the case may be, and the reference in subparagraph (d) to regulation 25(2) shall be taken as a reference to regulation 24(6);

(c) in paragraph (4) the first reference to 21 days shall be taken as a reference to 5 working days and the reference to the decision date shall be taken as a reference to the date upon which the Authority furnished reasons for its decision; and all the subsequent words in that paragraph (which relate to a request for a transcript and a time from the transcript date) shall be deleted;

(d) in paragraph (6) the reference to 14 days shall be taken as a reference to 5 working days;

(e) in paragraph (7) the reference to 28 days shall be taken as a reference to 8 working days;

(f) in paragraph (8) for ‘within 14 days after the expiry of the period of 28 days’ there shall be substituted ‘within 4 working days after the expiry of the period of 8 working days’.

29 Decisions on appeals

(1) The Secretary of State may if he thinks fit uphold the decision of the Authority or direct it to re-hear the case which is the subject of the appeal or to reverse or vary its decision.

(2) The Secretary of State shall notify the Authority, the appellant and the persons who have been served with the notice of appeal pursuant to regulation 27(3) of his decision and of the reasons for it and the Authority shall publish the Secretary of State’s notification.

(3) Where the Secretary of State directs the Authority to re-hear a case he shall at the same time notify the Authority and persons referred to in paragraph (2) of this regulation whether the Authority’s decision is to have effect pending the further decision of the Authority.

(4)

(a) Subject to paragraph (5) of this regulation, in determining an appeal the Secretary of State may, if he thinks fit, order the appellant to pay to any other party thereto either a specified sum in respect of the costs incurred by him in connection with the appeal, or the taxed amount of those costs or any part thereof;

(b) any costs required by an order under the foregoing subparagraph to be taxed may be taxed in the county court on such scale as may be directed by the order;

(c) any sum payable by virtue of an order under subparagraph (a) of this paragraph shall, if the county court so orders, be recoverable by execution issued from the county court or otherwise as if payable under an order of that court;

(d) the powers of the county court under the foregoing provisions of this paragraph may be exercised by the District Judge, or in Northern Ireland by the clerk of the Crown and Peace.

(5)

(a) In determining an appeal where the appellant resides or has his registered or principal office in Scotland the Secretary of State may, if he thinks fit, order the appellant to pay to any other party thereto either a specified sum in respect of the expenses incurred by him in connection with the appeal, or the taxed amount of those expenses or any part thereof;

(b) any expenses required by an order under the foregoing subparagraph to be taxed may be taxed by the Auditor of the Court of Session on such a scale as may be directed by the order;

(c) any award of expenses by the Secretary of State under the foregoing provisions of this paragraph may be enforced in like manner as a recorded decree arbitral.

(6) An appeal to the Secretary of State shall not preclude him from consulting the competent authorities of any country or territory outside the United Kingdom for the purposes of section 6(2)(a) to (d) of the Act (which relates to national security, relations with other countries and territories and similar matters) notwithstanding that the consultation may relate to matters affecting the appeal.

(7) The failure of any person (other than the appellant in serving notice of appeal on the Secretary of State within the time prescribed in regulation 27(4)) to serve any notice, submission or reply, or copies thereof or to furnish any particulars in the time or manner provided for in the Act or in these Regulations or any other procedural irregularity shall not invalidate the decision of the Secretary of State; and the Secretary of State may, and shall if he considers that any person may have been prejudiced, take such steps as he thinks fit before deciding the appeal to cure the irregularity.

30 Transfer of licences

(1) Subject to the provisions of this regulation:

(a) if the sole holder of an air transport licence or a route licence (being an individual) shall die, the licence shall be treated from the time of his death as if it had then been granted to his legal personal representative;

(b) if in connection with the reconstruction of any body corporate or the amalgamation of any bodies corporate the whole of the business of the holder of a licence (being a body corporate), or such part thereof as includes the provision of carriage by air for reward of passengers or cargo, is transferred or sold to another body corporate, the licence shall be treated, from the date of the transfer or sale of the whole or the relevant part of the business, as if it had been granted to that other body corporate.

(2) The person required by paragraph (1) of this regulation to be treated as the holder of the licence may apply to the Authority:

(a) if he is the legal personal representative of an individual licence holder who has died, for the transfer of the licence to any person entitled to a beneficial interest in the deceased's estate (including himself in his personal capacity if he is in that capacity entitled to such an interest); and

(b) in any other case, for the substitution of his own name in the licence for the name of the person by whom the licence was held.

(3) The application shall state the grounds on which it is based and shall be served on the Authority within 21 days after the date on which the applicant first became entitled to make it; and if no application as aforesaid is made within that period the licence shall cease at the expiration of that period to be treated as if granted to a person other than the person to whom it was granted.

(4) The application shall, for the purposes of these Regulations be treated as if it were an application for the variation of the licence, and the provisions of regulations 27 and 29 as to appeals shall apply accordingly.

(5) The Authority shall not grant an application for the transfer of a licence to, or the substitution of the name of, any person if

(a) in the case of an air transport licence it would be bound under section 65(2) of the Act, and

(b) in the case of an air transport licence or a route licence it would be bound under section 65(3) or 69A(4) of the Act,

to refuse that application if it were an application for the grant of a licence to that person.

(6) For the purposes of this regulation 'legal personal representative' means a person constituted executor, administrator or other representative of a deceased person by probate, administration or other instrument.

31 Surrender of licences

If revocation or variation of an air transport licence or a route licence has taken effect, the Authority may require any person who has the licence in his possession or control to surrender it for cancellation or variation, as the case may be and any person who fails, without reasonable cause, to comply with any such requirement, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

PART IIIA

References in Respect of an Air Traffic Services Licence

31A Determination by the Authority

(1) Where, pursuant to a condition of an air traffic services licence, any matter or question may be referred for determination by one or more Members of the Authority pursuant to these Regulations and such a matter or question is referred, it shall be determined in accordance with the provisions of this Part of these Regulations.

(2) The function of the Authority under section 7(5) of the Transport Act 2000 with respect to the modification of a licence, to the extent it gives rise to a matter or question referred for determination by one or more members of the Authority, is hereby prescribed for the purpose of section 7(2) of the Act.

(3) For the purpose of making any determination in such a case a quorum of the Authority shall be two Members.

(4) The Authority shall sit with such technical assessors to advise it as the Authority may appoint, but the Authority shall not appoint as an assessor any person who participated in the development of any notice or counter-notice in relation to the matter or question to be determined.

For the purposes of this Part of these Regulations:

(a) “an air traffic services licence” means a licence granted pursuant to Section 6 of the Transport Act 2000;

(b) where the Authority is required to publish any information it may do so electronically or otherwise;

(c) where the Authority is required to make any information available at its principal office for inspection it may do so electronically or otherwise;

(d) anything which is required to be served on the Authority may be served electronically by sending it to an e-mail address which it has published for the purpose or in accordance with regulation 4.

31B Representations

(1) The Authority shall within one calendar month after a reference has been made serve notice of the reference on the licence holder and publish such particulars of the reference as it thinks necessary for indicating the substance of the reference, and shall make a copy of the reference available at its principal office for inspection by any person at any reasonable time.

(2) The licence holder or any other person may serve on the Authority a representation about a reference if he does so within 21 days of, in the case of the licence holder the date of service of notice or, in the case of any other person, publication of the reference by the Authority.

(3) The Authority shall make a copy of any representation which has been served on the Authority available at its principal office for inspection by any person at any reasonable time and shall serve a copy of any representations received from persons other than the licence holder on the licence holder.

31C Hearings in connection with licences

(1) Where a matter or question referred to in regulation 31A(1) has been referred the Authority shall, before making a determination:

(a) consider any representations which may have been served on it by the licence holder or any other person within the time permitted by regulation 31B(2);

(b) consider any written submissions served pursuant to regulation 31D(3); and

(c) conduct a hearing in accordance with regulation 31D and consider any representations made and evidence submitted at such a hearing.

(2) The following persons shall have a right to be heard at the hearing held pursuant to paragraph (1)(c):

(a) the licence holder; and

(b) such persons (being persons who wish to be heard and who have served

(c) representations within the time permitted by regulation 31B(2)) as appear to the Authority to be users of services provided by the licence holder or to be representative of such persons.

(3) Notwithstanding that a person does not have the right to be heard, the Authority may, if it thinks fit, hear him.

(4) No hearing shall be held pursuant to this regulation unless the Authority has served on the licence holder and any other person whom it proposes to hear in connection with the case not less than 14 days' notice of the date, time and place of the hearing, and the notice shall clearly identify the reference to which it relates: a similar notice shall be published not less than 7 days before the date of the hearing, and shall be exhibited in a public place in the Authority's principal office during the 7 days immediately preceding the date of the hearing.

31D Procedure at hearings

(1) Hearings shall be conducted by the Authority.

(2) At a hearing any person entitled to be heard may appear in person or be represented by any other person whom he may have authorised to represent him, and may produce oral and written evidence and may examine any other person whom the Authority hears pursuant to regulation 31C and any witnesses produced by any such person.

(3) Any person who has served a representation within the time permitted by regulation 31B(2) but who does not wish to be heard, may make a written submission which he shall serve on the Authority not less than 3 working days before the date fixed for the hearing of the case.

(4) Where an oral hearing is held it shall be held in public unless, having regard to the subject matter of the hearing and any representations from the licence holder the Authority directs that the hearing or any part of the hearing shall take place in private.

(5) The failure of the Authority or of any person to give notice or publish any particulars in the time or manner provided for in the Act or in these Regulations or any other procedural irregularity shall not invalidate the action taken by the Authority; and the Authority may, and shall if it considers that any person may have been prejudiced, take such steps as it thinks fit before reaching its determination to cure the irregularity, whether by the giving of notice or otherwise.

(6)

(a) Subject to sub-paragraph (b) all the proceedings at a hearing of the Authority in connection with a case shall be recorded by a shorthand writer or by some other means, and if any person requests a record of the proceedings the Authority shall cause a mechanical recording or transcript of the shorthand or other record to be made available for purchase by that person at a reasonable price.

(b)

(i) The Authority shall not be required to make available a mechanical recording or transcript of the record of the proceedings at any time after the expiry of one year from the day of publication of its determination of the case.

(ii) A mechanical recording or transcript of the record of proceedings conducted otherwise than in public shall only be required to be made available for purchase by any person heard by the Authority at those proceedings.

31E Determination by Authority and Appeal to the Secretary of State

(1) Where the Authority makes a determination pursuant to this Part of these Regulations the Authority shall serve a notice of its determination and a statement of its reasons for the determination on the licence holder.

(2)

(a) Where the relevant condition of an air traffic services licence provides in respect of a matter or question that the decision of the Authority shall be definitive there shall be no appeal to the Secretary of State.

(b) Where the relevant condition of an air traffic services licence provides in respect of a matter or question that the licence holder may appeal to the Secretary of State, he may do so in accordance with this regulation.

(3)

(a) An appeal to the Secretary of State shall be made by a notice signed by or on behalf of the licence holder and clearly identifying the matter or question to which it relates and stating the grounds on which the appeal is based and the arguments on which the licence holder relies.

(b) The licence holder shall serve the notice on the Secretary of State and a copy on the Authority within 14 days of receipt by the licence holder of the notice of determination and statement of reasons pursuant to paragraph (1).

(4) The Authority shall within one calendar month after receiving notice of appeal publish such particulars of the appeal as it thinks necessary to indicate the substance of the appeal.

(5) Within 14 days after receiving notice of an appeal, the Authority shall serve on the Secretary of State any submission it may wish to make in connection with the appeal including, if it thinks fit, an amplification and explanation of the reasons for its determination, and shall, within such period, serve a copy of any such submission on the licence holder.

(6) Within 14 days after publication of the notice of the appeal by the Authority any person who appeared at the hearing before the Authority may serve on the Secretary of State a submission giving reasons why the Authority's determination should or should not be upheld and shall within such period serve copies of any such submission on the Authority and the licence holder.

(7) Within 14 days after receipt of any submission made pursuant to the preceding two paragraphs the licence holder may serve on the Secretary of State a reply and shall within such period serve a copy of any such reply on the Authority.

(8) Before deciding an appeal the Secretary of State may ask the licence holder, the Authority or any other person who appeared at the hearing held by the Authority to amplify or explain any point made by them or to answer any other question, the answer to which appears to the Secretary of State necessary to enable him to determine the appeal, and the Secretary of State shall as the case may be give the licence holder, the Authority and any other person who appeared at the hearing held by the Authority an opportunity of replying to such amplification, explanation or answer.

(9)

(a) Where any person is obliged to serve on the Authority any notice, representation, submission or other material pursuant to this regulation the Authority shall as soon as may be after receipt thereof make a copy available at its principal office for inspection by any person at any reasonable time.

(b) The Authority shall also make a copy of any representation, submission or other material which it is obliged to serve on the licence holder or the Secretary of State pursuant to this regulation available at its principal office for inspection by any person at any reasonable time.

(10) In the appeal proceedings none of the Authority, the licence holder or any other person may submit to the Secretary of State evidence which was not before the Authority when it decided the case.

31F Decision by Secretary of State on appeal

(1) The Secretary of State may if he thinks fit uphold the determination of the Authority in whole or in part or reverse or vary the whole or any part of its determination.

(2) The Secretary of State shall notify the Authority and the licence holder of his decision and of the reasons for it and the Authority shall publish the Secretary of State's notification.

(3) The failure of any person (other than the licence holder in serving notice of appeal on the Secretary of State within the time prescribed in regulation 31E(3)(b)) to serve any notice, representation, submission or reply, or copies thereof or to furnish any particulars in the time or manner provided for in the Act or in these Regulations or any other procedural irregularity shall not invalidate the decision of the Secretary of State; and the Secretary of State may, and shall if he considers that any person may have been prejudiced, take such steps as he thinks fit before deciding the appeal to cure the irregularity.

PART IV

Other functions of the Authority

32 Participation in civil proceedings

(1) The function of the Authority of being a party to civil proceedings is hereby prescribed for the purposes of section 7(2) of the Act.

(2) In any civil proceedings to which the Authority is or becomes a party, the Authority shall disclose to the Court and any other party to the proceedings information in its possession which, apart from section 23(1) of the Act, it would have been under a duty to disclose for the purpose of those proceedings.

Schedule

Revocation

Regulation 2

(1) Regulations revoked	(2) Regulations revoked
The Civil Aviation Authority Regulations 1983	1983/550
The Civil Aviation Authority (Amendment) Regulations 1987	1987/379
The Civil Aviation Authority (Amendment) Regulations 1989	1989/1826
The Civil Aviation Authority (Amendment) Regulations 1990	1990/9

Table of Comparison

The following Table shows, in relation to each regulation of the Civil Aviation Authority Regulations 1983, as amended, the regulations of the 1991 Regulations in which it is reproduced.

1983 Regulations as amended	1991 Regulations
1	1
2	2
3	3
4	4
5	5
6	6
7	7

1983 Regulations as amended	1991 Regulations
8	8
9	9
9A	10
9B	11
9C	12
9D	13
9E	14
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
18A	24
19	25
20	26
21	27
21A	28
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24	31
25	32

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SECTION 7

The Air Navigation (Dangerous Goods) Regulations 2002

Made: **11th November 2002**

Coming into force: **2nd December 2002**

Arrangement of Regulations

Part I Preliminary

1 Citation and commencement

2 Revocation

3 Interpretation

Part II Requirements for Carriage of Dangerous Goods

4 Requirement for approval of operator

5 Prohibition of carriage of dangerous goods

Part III Operator's Obligations

6 Provision of information by the operator to crew etc

7 Acceptance of dangerous goods by the operator

8 Method of loading by the operator

9 Inspections by the operator for damage, leakage or contamination

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Part IV Shipper's Responsibilities

11 Shipper's responsibilities

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12 Commander's duty to inform air traffic services

Part VI Training

13 Provision of training

Part VII Provision of Information to Passengers and in Respect of Cargo

14 Provision of information to passengers

15 Provision of information in respect of cargo

Part VIII Documents and Records, Enforcement Powers and General

16 Keeping of documents and records

17 Production of documents and records

18 Powers in relation to enforcement of the Regulations

19 Occurrence reporting

20 Dropping articles for agricultural, horticultural, forestry or pollution control purposes

21 Police aircraft

Schedule

Schedule Regulations Revoked

The Secretary of State for Transport, in exercise of the powers conferred by articles 60(1) and 129(5) of the Air Navigation Order 2000[a] and of all other powers enabling him in that behalf, hereby makes the following Regulations:

a S.I. 2000/1562, to which there are amendments not relevant to these Regulations.

PART I
Preliminary

1 Citation and commencement

These Regulations may be cited as the Air Navigation (Dangerous Goods) Regulations 2002and shall come into force on 2nd December 2002.

2 Revocation

The Regulations specified in the Schedule hereto are hereby revoked.

3 Interpretation

(1) In these Regulations:

‘acceptance check list’ means a document used to assist in carrying out a check on the external appearance of packages of dangerous goods and their associated documents to determine that all appropriate requirements have been met;

‘cargo aircraft’ means any aircraft which is carrying goods or property but not passengers and for the purposes of these Regulations the following are not considered to be passengers:

(a) a crew member;

(b) an operator’s employee permitted to be carried by, and carried in accordance with the instructions contained in the Operations Manual;

(c) an authorised representative of a competent national aviation authority;

(d) a person with duties in respect of a particular shipment on board;

‘dangerous goods’ means any article or substance which is identified as such in the Technical Instructions;

‘dangerous goods accident’ means an occurrence associated with and related to the carriage of dangerous goods by air which results in fatal or serious injury to a person or major property damage;

‘dangerous goods incident’ means an occurrence, other than a dangerous goods accident, which:

(a) is associated with and related to the carriage of dangerous goods by air, not necessarily occurring on board an aircraft, which results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained; or

(b) relates to the carriage of dangerous goods and which seriously jeopardises the aircraft or its occupants;

‘dangerous goods transport document’ means a document which is specified by the

Technical Instructions and contains information about those dangerous goods;

‘freight container’ means an article of transport equipment for radioactive materials, designed to facilitate the carriage of such materials, either packaged or unpackaged, by one or more modes of transport, but does not include a unit load device;

‘handling agent’ means an agent who performs on behalf of the operator some or all of the functions of the latter including receiving, loading, unloading, transferring or other processing of passengers or cargo;

‘ID number’ means an identification number specified in the Technical Instructions for an item of dangerous goods which has not been assigned a UN number;

‘non-United Kingdom operator’ means an aircraft operator who holds an air operator’s certificate issued otherwise than by the CAA;

‘overpack’ means an enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage, but does not include a unit load device;

‘package’ means the complete product of the packing operation consisting of the packaging and its contents prepared for carriage;

‘packaging’ means the receptacles and any other components or materials necessary for the receptacle to perform its containment function;

‘proper shipping name’ means the name to be used to describe a particular article or substance in all shipping documents and notifications and, where appropriate, on packagings;

‘serious injury’ means an injury which is sustained by a person in an accident and which:

(a) requires hospitalisation for more than 48 hours, commencing within seven days from the date the injury was received; or

(b) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or

(c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or

(d) involves injury to any internal organ; or

(e) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or

(f) involves verified exposure to infectious substances or injurious radiation;

'Technical Instructions' means the 2015-2016 English language edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air, as amended by Corrigendum No. 1 dated 20th November 2014, approved and published by decision of the Council of the International Civil Aviation Organisation;

'UN number' means the four-digit number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods to identify a substance or a particular group of substances;

'unit load device' means any type of container or pallet designed for loading onto an aircraft but does not include a freight container for radioactive materials or an overpack; and

'United Kingdom operator' means an aircraft operator who holds an air operator's certificate issued by the CAA.

(2)

(a) Other expressions used in these Regulations shall have the same respective meanings as in the Air Navigation Order 2000.

(3) For the avoidance of doubt any reference in the Technical Instructions or these Regulations to the taking on board, loading onto or carriage of dangerous goods in or on an aircraft shall for the purpose of these Regulations be interpreted as applying also to the placing, suspending or carriage of such goods beneath an aircraft unless the context makes it otherwise apparent.

PART II

Requirements for carriage of dangerous goods

4 Requirement for approval of operator

(1) An aircraft shall not carry or have loaded onto it any dangerous goods unless;

(a) the operator is approved under this regulation; and

(b) such goods are carried or loaded in accordance with:

(i) any conditions to which such approval may be subject; and

(ii) in accordance with the Technical Instructions.

(2) An approval under this regulation:

(a) shall be granted by the CAA if it is satisfied the operator is competent to carry dangerous goods safely;

(b) shall be in writing; and

(c) may be subject to such conditions as the CAA thinks fit.

5 Prohibition of carriage of dangerous goods

(1) Subject to paragraphs (2) and (3) a person shall not:

(a) deliver or cause to be delivered for carriage in, or

(b) take or cause to be taken on board;

an aircraft any dangerous goods, which he knows or ought to know or suspect to be goods capable of posing a risk to health, safety, property or the environment when carried by air, unless the Technical Instructions have been complied with and the package of those goods is in a fit condition for carriage by air.

(2) Subject to paragraph (3), these Regulations shall not apply to those dangerous goods specified in the Technical Instructions as being:

(a) for the proper navigation or safety of flight;

(b) to provide, during flight, medical aid to a patient;

(c) to provide, during flight, veterinary aid or a humane killer for an animal;

(d) to provide, during flight, aid in connection with search and rescue operations;

(e) permitted for carriage by passengers or crew members; or

(f) intended for use or sale during the flight in question.

(3)

(a) The goods specified in paragraph (2) shall only be carried provided they comply with the following sub-paragraphs and Part 8 and the applicable provisions in paragraphs 1.1.3 and 2.2 of Part 1 of the Technical Instructions.

(b) The goods specified in sub-paragraph (2)(a) shall only be carried if:

(i) they are required to be carried on an aircraft by or under the Air Navigation Order 2000 or are otherwise intended for use on an aircraft for the purpose of the good order of the flight in accordance with the normal practice whether or not, in either case, such goods are required to be carried or intended to be used on that particular flight;

(ii) when they are intended as replacements or have been removed for replacement, they comply with paragraph 2.2.2 of Part 1 of the Technical Instructions;

(c) The goods specified in sub-paragraph (2)(b) and (2)(c) shall only be carried if:

(i) they are or may be required for use during the flight;

(ii) they are or may be required for use during a subsequent flight by the same aircraft and it will not be practicable to load the goods onto the aircraft in the intervening period before the commencement of that subsequent flight; or

(iii) they were used or might have been required for use during a previous flight by the same aircraft and it has not been practicable to unload them from the aircraft since that flight;

(d) The goods specified in sub-paragraph (2)(e) shall only be carried by passengers or crew members if they comply with the provisions in Part 8 of the Technical Instructions;

(e) The goods specified in sub-paragraph (2)(f) shall only be carried if the Technical Instructions identify them as being items which can be carried on an aircraft for sale or use during a flight or, when they are intended as replacements for such items or have been removed for replacement, they are carried in accordance with paragraph 2.2.3 of Part 1 of the Technical Instructions.

PART III

Operator's obligations

6 Provision of information by the operator to crew etc.

(1)

(a) The operator of an aircraft flying for the purposes of public transport shall ensure that all appropriate manuals, including the Operations Manual, contain information about dangerous goods so that ground staff and crew members can carry out their responsibilities in regard to the carriage of dangerous goods, including the actions to be taken in the event of emergencies involving dangerous goods.

(b) Where applicable, the operator shall ensure such information is also provided to his handling agent.

(2) The operator of an aircraft in which dangerous goods are to be carried as cargo shall ensure that, before the flight begins, the commander of the aircraft is provided with:

(a) written information about the dangerous goods as specified in paragraph 4.1 of Part 7 of the Technical Instructions; and

(b) information for use in responding to an in-flight emergency as specified in paragraph 4.8 of Part 7 of the Technical Instructions.

(3) The operator of an aircraft which is involved in an aircraft accident or an aircraft incident in the United Kingdom shall notify the CAA without delay of any dangerous goods carried as cargo on the aircraft.

7 Acceptance of dangerous goods by the operator

(1) The operator of an aircraft in which dangerous goods are to be carried shall ensure that no package, overpack or freight container which contains dangerous goods is accepted for carriage in an aircraft until such package, overpack or freight container has been inspected to determine that:

(a) insofar as it is reasonable to ascertain, the goods are not forbidden for carriage by air in any circumstances by the provisions of the Technical Instructions;

(b) insofar as it is reasonable to ascertain, the goods are classified as required by the Technical Instructions;

(c) insofar as it is reasonable to ascertain, the goods are packed as required by the Technical Instructions;

(d) the package, overpack or freight container is marked and labelled in accordance with the provisions of Chapters 2 and 3 of Part 5 of the Technical Instructions;

(e) the package, overpack or freight container is not leaking or damaged so that the contents may escape.

(2) The operator of an aircraft in which dangerous goods are to be carried shall ensure that no package, overpack or freight container which contains dangerous goods is accepted for carriage in that aircraft unless it is accompanied by a dangerous goods transport document, except where the Technical Instructions indicate that such a document is not required, and shall inspect such a document to determine that it complies with the provisions of the Technical Instructions.

(3)

(a) For the purpose of each of the inspections required by paragraphs (1) and (2) an acceptance check list shall be used and the results of the inspection shall be recorded thereon.

(b) The acceptance check list shall be in such form and shall provide for the entry of such details as will enable the relevant inspection to be fully and accurately made by reference to the completion of that list.

8 Method of loading by the operator

(1) The operator of an aircraft in which dangerous goods are to be carried as cargo shall ensure that dangerous goods are not carried in any compartment occupied by passengers or on the flight deck, except in circumstances permitted by the provisions in paragraph 2.1 of Part 7 of the Technical Instructions.

(2) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any package, overpack or freight container which contains dangerous goods is loaded, segregated, stowed and secured on an aircraft in accordance with the provisions in Chapter 2 of Part 7 of the Technical Instructions.

(3) The operator of an aircraft in which dangerous goods are to be carried shall ensure that packages, overpacks or freight containers bearing an indication that they can only be carried on a cargo aircraft are loaded and stowed in accordance with the provisions in paragraph 2.4.1 of Part 7 of the Technical Instructions and are not loaded on an aircraft carrying passengers.

9 Inspections by the operator for damage, leakage or contamination

(1) The operator of an aircraft in which dangerous goods are to be carried shall ensure packages, overpacks or freight containers which contain dangerous goods are inspected for evidence of damage or leakage before being loaded on an aircraft or placed in a unit load device.

(2) The operator of an aircraft in which dangerous goods are to be carried shall ensure a unit load device containing dangerous goods is not loaded unless it has been inspected and found free from any evidence of leakage from or damage to the packages, overpacks or freight containers contained in it.

(3) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any package, overpack or freight container which contains dangerous goods which appears to be leaking or damaged is not loaded on an aircraft.

(4) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any package, overpack or freight container which contains dangerous goods which is found to be leaking or damaged on an aircraft is removed and that other cargo or baggage loaded on that aircraft is in a fit state for carriage by air and has not been contaminated.

(5) The operator of an aircraft in which dangerous goods have been carried shall ensure after unloading that all packages, overpacks or freight containers which contain dangerous goods are inspected for signs of damage or leakage and if there is such evidence shall ensure that any part of the aircraft where the package, overpack or freight container was stowed, or any sling or other apparatus which has been used to suspend goods beneath the aircraft is inspected for damage or contamination.

10 Removal of contamination by the operator

(1) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any contamination found as a result of leaking or damaged packages, overpacks or freight containers is removed without delay.

(2) The operator of an aircraft shall ensure that an aircraft is not permitted to fly for the purpose of carrying passengers or cargo if it is known or suspected that radioactive materials have leaked in or contaminated the aircraft, unless the radiation level resulting from the fixed contamination at any accessible surface and the non-fixed contamination are not more than the values specified in paragraph 3.2 of Part 7 of the Technical Instructions.

PART IV
Shipper's responsibilities

11 Shipper's responsibilities

(1) Before consigning any dangerous goods for carriage by air the shipper shall ensure that:

(a) the goods are not forbidden for carriage by air in any circumstances under the provisions in paragraph 2.1 of Part 1 of the Technical Instructions;

(b) if the goods are forbidden for carriage by air without approval, all such approvals have been obtained where the Technical Instructions indicate it is the responsibility of the shipper to so obtain them;

(c) the goods are classified according to the classification criteria contained in Part 2 of the Technical Instructions;

(d) the goods are packed according to paragraphs 2.2 and 2.4 of Part 1, Part 2, chapters 2 and 3 and paragraphs 4.2, 4.3 and 4.4 of Part 3 and Part 4 of the Technical Instructions and the packagings used are in accordance with such provisions of those paragraphs, chapters and Parts and Part 6 of the Technical Instructions as apply to those goods;

(e) the package is marked and labelled in English in addition to any other language required by the State of Origin as specified for those goods in paragraph 2.4 of Part 1, chapters 2 and 3 and paragraph 4.5 of Part 3, chapters 2 and 3 of Part 5 and chapter 2 of Part 6 of the Technical Instructions;

(f) the package is in a fit condition for carriage by air;

(g) when one or more packages are placed in an overpack, the overpack only contains packages of goods permitted to be carried by paragraph 1.1 of Part 5 of the Technical Instructions and the overpack is marked and labelled as required by paragraphs 2.4 and 3.2 of Part 5 of the Technical Instructions;

(h) a dangerous goods transport document:

(i) has been completed in English in addition to any other language required by the State of Origin as required by paragraph 4.1 of Part 5 of the Technical Instructions; and

(ii) contains a declaration signed by or on behalf of the shipper stating that the Technical Instructions have been complied with in that the dangerous goods:

aa. are fully and accurately described;

bb. are correctly classified, packed, marked and labelled; and

cc. are in a proper condition for carriage by air;

(iii) the operator of the aircraft has been furnished with the dangerous goods transport document required by paragraph (h) and such other documents in respect of dangerous goods as are required by Part 4 and paragraphs 4.3 and 4.4 of Part 5 of the Technical Instructions.

PART V

Commander's obligations

12 Commander's duty to inform air traffic services

The commander of an aircraft carrying dangerous goods as cargo shall, in the event of an inflight emergency and as soon as the situation permits, inform the appropriate air traffic services unit of those dangerous goods in detail or as a summary or by reference to the location from where the detailed information can be obtained immediately.

PART VI
Training

13 Provision of training

(1) The shipper, and any agent thereof, shall ensure that before a consignment of dangerous goods is offered by him for carriage by air all persons involved in its preparation have received training as specified in Chapter 4 of Part 1 and paragraph 1.5 of Part 5 of the Technical Instructions, to enable them to carry out their responsibilities with regard to the carriage of dangerous goods by air.

(2)

(a) A United Kingdom operator, and any agent thereof, shall ensure that all relevant staff involved with the carriage of passengers or cargo by air have received training which complies with sub-paragraphs (c) and (d).

(b) The operator of an aircraft shall ensure that the staff of his handling agent have received that training.

(c) The training shall be as specified in Chapter 4 of Part 1 and paragraph 4.9 of Part 7 of the Technical Instructions.

(d) The training has been granted a training approval under paragraph (8).

(3)

(a) The agent for a non-United Kingdom operator shall ensure that all relevant staff involved with the carriage of passengers or cargo by air have received training which complies with sub-paragraphs (b) and (c).

(b) The training shall be as specified in Chapter 4 of Part 1 and paragraph 4.9 of Part 7 of the Technical Instructions.

(c) The training has been granted a training approval under paragraph (8).

(4) The content of training programmes shall be as specified in Chapter 4 of Part 1 of the Technical Instructions.

(5) Initial and recurrent training programmes shall be established and maintained by or on behalf of the shipper and any agent thereof, the operator of an aircraft if it is a United Kingdom operator and the agent of the operator whether the operator is a United Kingdom operator or a non-United Kingdom operator in accordance with paragraph 4.1 of Part 1 of the Technical Instructions and recurrent training shall take place not less than every two years.

(6) Records of training shall be maintained as specified in paragraph 4.2 of Part 1 of the Technical Instructions.

(7) No person shall offer or provide training required by this part of these Regulations unless:

(i) he has been granted a training instructor approval under paragraph (9); and

(ii) the training has been approved under paragraph (8); or

(b) he is employed by a shipper or an agent thereof and the training is offered or provided to other employees of that shipper or agent; or

(c) he is employed by a United Kingdom operator or by an agent of a United Kingdom operator or of a non-United Kingdom operator;

(i) the training has been approved under paragraph (8); and

(ii) the training is offered or provided to other employees of that United Kingdom aircraft operator or agent.

(8) A training approval under this regulation shall be:

(a) granted by the CAA if it is satisfied that the form and content of the training is adequate for its purpose;

(b) in writing; and

(c) subject to such conditions as the CAA thinks fit, and may in particular include a condition requiring that the training be provided by a person who holds a training instructor approval granted by the CAA under paragraph (9).

(9) A training instructor approval under this regulation shall be:

(a) granted by the CAA if it is satisfied that the person is competent to carry out the training specified in the approval granted under paragraph (8);

(b) in writing; and

(c) subject to such conditions as the CAA thinks fit.

PART VII

Provision of information to passengers and in respect of cargo

14 Provision of information to passengers

(1) An airport operator and the operator of an aircraft flying for the purpose of public transport of passengers or his agent shall ensure that persons who are or may become passengers on an aircraft flying for the purposes of public transport are warned as to the types of dangerous goods which they are forbidden from carrying on an aircraft as checked baggage or with them by displaying notices sufficient in number and prominence for this purpose:

(a) at each of the places at an airport where tickets are issued;

(b) at each of the areas at an airport maintained to assemble passengers to board an aircraft; and

(c) at any location where a passenger may be checked in.

(2) The operator of an aircraft flying for the purpose of the public transport of passengers or his agent shall ensure that passengers are warned as to the type of dangerous goods which they are forbidden from carrying on an aircraft as checked baggage or with them either by providing information with each passenger ticket, sufficient in prominence for this purpose, or by some other appropriate means such that passengers receive a warning in addition to that required by paragraph (1).

(3) Any person who, in the United Kingdom, makes available flight accommodation shall ensure that persons who are or may become passengers on an aircraft flying for the purposes of public transport are warned as to the types of dangerous goods which they are forbidden from carrying on an aircraft as checked baggage or with them by displaying notices sufficient in number and prominence for this purpose at any place where flight accommodation is offered for sale.

15 Provision of information in respect of cargo

The operator of an aircraft in which cargo is to be carried and any agent thereof shall ensure that notices giving information about the carriage of dangerous goods are displayed in sufficient number and prominence for this purpose at those places where cargo is accepted for carriage.

PART VIII

Documents and records, enforcement powers and general

16 Keeping of documents and records

(1) The operator of an aircraft carrying dangerous goods as cargo shall ensure that a copy of the dangerous goods transport document required by regulation 7(2) and the written information to the commander required by regulation 6(2)(a) are retained at a readily accessible location until after the full period of the flight on which the goods were carried.

(2) The operator of an aircraft in which dangerous goods are carried shall preserve for not less than three months:

(a) any dangerous goods transport document or other document in respect of dangerous goods which has been furnished to him by the shipper in accordance with regulation 7(2);

(b) the record of any acceptance check list completed in accordance with regulation 7(3); and

(c) the written information to the commander as required by regulation 6(2)(a).

(3) The record referred to in paragraph (2)(b) may be in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.

17 Production of documents and records

(1) The operator of an aircraft on which dangerous goods are to be or have been carried and any agent thereof shall, within a reasonable time after being requested so to do by an authorised person, cause to be produced to that person such of the following documents as may have been requested by that person:

(a) the written approval referred to in regulation 4(1);

(b) the dangerous goods transport document or other document in respect of any dangerous goods, referred to in regulation 7(2);

(c) the completed acceptance check list in a legible form in respect of any dangerous goods, referred to in regulation 7(3); and

(d) a copy of the written information provided to the commander of the aircraft in respect of any dangerous goods, referred to in regulation 6(2)(a).

(e) The aircraft operator, shipper and any agent of either of them shall, within a reasonable time after being requested so to do by an authorised person, cause to be produced to that person any document which relates to goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of these Regulations have not been complied with.

18 Powers in relation to enforcement of the Regulations

(1) An authorised person may examine, take samples of and seize any goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of these Regulations have not been complied with.

(2) An authorised person may open or require to be opened any baggage or package which the authorised person has reasonable grounds to suspect may contain dangerous goods in respect of which the provisions of these Regulations have not been complied with.

(3)

(a) Subject to paragraph (5), any sample taken or goods seized by an authorised person under this regulation shall be retained or detained respectively for so long as the CAA considers necessary in all the circumstances and shall be disposed of in such manner as the CAA considers appropriate in all the circumstances.

(b) Without prejudice to the generality of sub-paragraph (a) any sample taken or goods seized under this regulation may be retained or detained respectively:

(i) for use as evidence at a trial for an offence; or

(ii) for forensic examination or for investigation in connection with an offence.

(4)

(a) The person from whom any goods have been seized by an authorised person under this regulation may apply to the CAA for the item to be released to him.

(b) An application under this paragraph shall be made in writing and shall be accompanied by evidence of ownership by the applicant.

(c) The function of deciding a case where such an application as is referred to in subparagraph (a) has been made is hereby prescribed for the purposes of section 7(1) of the Civil Aviation Act 1982: and for the purpose of

making any decision in such a case a quorum of the CAA shall be one member.

(d) Where the CAA is satisfied that the applicant is the owner of the item concerned and that further retention of the item is not necessary for the purposes of any criminal proceedings it shall arrange for the goods concerned to be returned to the applicant.

(5) Where further retention of goods is, in the opinion of the CAA no longer necessary and no application has been made under paragraph (4) or any such application has been unsuccessful the goods shall be destroyed or otherwise disposed of in accordance with the directions of the CAA.

19 Occurrence reporting

(1) A United Kingdom operator shall ensure that any dangerous goods accident, dangerous goods incident or the finding of undeclared or misdeclared dangerous goods in cargo or passenger's baggage, wherever it occurs, is reported to the CAA.

(2) A non-United Kingdom operator shall ensure that any dangerous goods accident, dangerous goods incident or the finding of undeclared or misdeclared dangerous goods in cargo or passenger's baggage which occurred in the United Kingdom is reported to the CAA.

(3) A report required under paragraph (1) or (2) shall contain such of the following information as is appropriate to the occurrence:

(a) date of the occurrence;

(b) location of the occurrence, flight number and flight date;

(c) description of the goods and the reference number of the air waybill, pouch, baggage tag and ticket;

(d) proper shipping name (including the technical name, if applicable);

(e) UN/ID number;

(f) class or division in accordance with the Technical Instructions and any subsidiary risk(s);

(g) type of packaging and the packaging specification marking;

(h) quantity of dangerous goods;

(i) name and address of the shipper or passenger;

(j) suspected cause of the occurrence;

(k) action taken;

(l) any other reporting action taken;

(m) name, title, address and contact number of the reporter;

(n) any other relevant details.

(4)

(a) Subject to sub-paragraph (b) a report containing as much of the information referred to above as is in his possession shall be despatched in writing, or in such other form as the CAA may approve, and by the quickest available means to the CAA within 72 hours of the occurrence coming to the knowledge of the person making the report.

(b) If at that time any of the said information is not in the possession of that person, he shall despatch the information to the CAA in writing, or in such other form as the CAA may approve, and by the quickest available means within 72 hours of the information coming into his possession.

(5) Nothing in this regulation shall require a person to report any occurrence which he has reported under article 117 of the Air Navigation Order 2000 or which he has reason to believe has been or will be reported by another person to the CAA in accordance with that article.

20 Dropping articles for agricultural, horticultural, forestry or pollution control purposes

Subject to the provisions of regulation 4(1)(a) nothing in these Regulations shall apply to any aircraft flying solely for the purpose of dropping articles for the purpose of agriculture, horticulture, forestry or pollution control.

21 Police aircraft

Nothing in these Regulations other than regulation 4(1)(a) shall apply to the carriage of dangerous goods by an aircraft flying under and in accordance with the terms of a police air operator's certificate.

Signed by authority of the Secretary of State for Transport

John Spellar
Minister of State,
Department for Transport

11th November 2002

Schedule

Regulations revoked – regulation 2

	References
The Air Navigation (Dangerous Goods) Regulations 1994	S.I. 1994/3187
The Air Navigation (Dangerous Goods) (Amendment) Regulations 1996	S.I. 1996/3100
The Air Navigation (Dangerous Goods) (Second Amendment) Regulations 1997	S.I. 1997/2666
The Air Navigation (Dangerous Goods) (Third Amendment) Regulations 1998	S.I. 1998/2536
The Air Navigation (Dangerous Goods) (Fourth Amendment) Regulations 2001	S.I. 2001/918