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STATUTORY INSTRUMENTS

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**2005 No. 1970**

**The Air Navigation Order 2005**

**PART 4**

**Aircraft Crew and Licensing**

**Members of flight crew—requirement for licence**

**26.**—(1) Subject to the provisions of this article, a person shall not act as a member of the flight crew of an aircraft registered in the United Kingdom unless he is the holder of an appropriate licence granted or rendered valid under this Order.

(2) A person may within the United Kingdom, the Channel Islands, and the Isle of Man without being the holder of such a licence—

- (a) act as a flight radiotelephony operator if—
  - (i) he does so as the pilot of a glider on a private flight and he does not communicate by radiotelephony with any air traffic control unit; or
  - (ii) he does so as a person being trained in an aircraft registered in the United Kingdom to perform duties as a member of the flight crew of an aircraft and—
    - (aa) he is authorised to operate the radiotelephony station by the holder of the licence granted in respect of that station under any enactment;
    - (bb) messages are transmitted only for the purposes of instruction, or of the safety or navigation of the aircraft;
    - (cc) messages are transmitted only on a frequency exceeding 60 MHz assigned by the CAA for the purposes of this sub-paragraph;
    - (dd) the operation of the transmitter requires the use only of external switches; and
    - (ee) the stability of the frequency radiated is maintained automatically by the transmitter.
- (b) act as pilot in command of an 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 in a pilot's licence if—
  - (i) he is at least 16 years of age;
  - (ii) he is the holder of a valid medical certificate to the effect that he is fit so to act, issued by a person approved by the CAA;
  - (iii) he complies with any conditions subject to which that medical certificate was issued;
  - (iv) no other person is carried in the aircraft;
  - (v) the aircraft is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests; and

- (vi) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Order or a JAA licence, being a licence which includes a flight instructor rating, a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown;
  - (c) act as pilot of an aircraft in respect of which the flight crew required to be carried by or under this Order does not exceed 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 in a pilot's licence if—
    - (i) the aircraft is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests;
    - (ii) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Order or a JAA licence, being a licence which includes a flight instructor rating, a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown; and
    - (iii) the aircraft is fitted with dual controls and he is accompanied in the aircraft by the said instructor who is seated at the other set of controls or the aircraft is fitted with controls designed for and capable of use by two persons and he is accompanied in the aircraft by the said instructor who is seated so as to be able to use the controls;
  - (d) act as pilot in command of a helicopter or gyroplane at night if—
    - (i) he is the holder of an appropriate licence granted or rendered valid under this Order in all respects save that the licence does not include an instrument rating and he has not within the immediately preceding 13 months carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12° below the horizon;
    - (ii) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Order or a JAA licence, being a licence which includes a flight instructor rating, a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of helicopter or gyroplane being flown by night;
    - (iii) no person other than that specified in sub-paragraph (ii) is carried; and
    - (iv) the helicopter or gyroplane is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests;
  - (e) act as pilot in command of a balloon if—
    - (i) he is the holder of an appropriate licence granted or rendered valid under this Order in all respects save that he has not within the immediately preceding 13 months carried out as pilot in command at least 5 flights each of not less than 5 minutes duration;
    - (ii) he so acts in accordance with instructions given by a person authorised by the CAA to supervise flying in the type of balloon being flown;
    - (iii) no person other than that specified in sub-paragraph (ii) is carried; and
    - (iv) the balloon is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests.
- (3) Subject as aforesaid, a person shall not act as a member of the flight crew required by or under this Order to be carried in an aircraft registered in a country other than the United Kingdom unless—

- (a) in the case of an aircraft flying for the purpose of public transport or aerial work, he 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 any other aircraft, he 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.
- (4) For the purposes of this Part of this Order—
- (a) subject to sub-paragraph (b), a licence granted either under the law of a Contracting State other than the United Kingdom but which is not a JAA licence or a licence granted under the law of a relevant overseas territory; purporting in either case to authorise the holder to act as a member of the flight crew of an aircraft, not being a licence purporting to authorise him to act as a student pilot only, shall, unless the CAA gives a direction to the contrary, be deemed to be a licence rendered valid under this Order but does not entitle the holder—
    - (i) to act as a member of the flight crew of any aircraft flying for the purpose of public transport or aerial work or on any flight in respect of which he receives remuneration for his services as a member of the flight crew; or
    - (ii) in the case of a pilot's licence, to act as pilot of any aircraft flying in controlled airspace in circumstances requiring compliance with the Instrument Flight Rules or to give any instruction in flying;
  - (b) a JAA licence shall, unless the CAA gives a direction to the contrary, be deemed to be a licence rendered valid under this Order.
- (5) Notwithstanding paragraph (1), a person may, unless the certificate of airworthiness in force in respect of the aircraft otherwise requires, act as pilot of an 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 therein without being the holder of an appropriate licence, if the conditions specified in paragraph (6) are complied with.
- (6) The conditions referred to in paragraph (5) are—
- (a) no other person shall be carried in the aircraft or in an aircraft being towed thereby except—
    - (i) a person carried as a member of the flight crew in compliance with this Order;
    - (ii) a person authorised by the CAA to witness the training or tests or to conduct the tests; or
    - (iii) 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; and
  - (b) the person acting as the pilot of the aircraft without being the holder of an appropriate licence either—
    - (i) within the period of six months immediately preceding was serving as a qualified pilot of an aircraft in any of Her Majesty's naval, military or air forces, and his physical condition has not, so far as he is aware, so deteriorated during that period as to render him unfit for the licence for which he intends to qualify; or
    - (ii) holds a pilot's, a flight navigator's or a flight engineer's licence granted under article 27 and the purpose of the training or test is to enable him 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 his licence, and he acts under the supervision of a person who is the holder of an appropriate licence.

(7) Notwithstanding paragraph (1), a person may act as a member of the flight crew (otherwise than as a pilot) of an aircraft registered in the United Kingdom for the purposes 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 therein, without being the holder of an appropriate licence, if he 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.

(8) Notwithstanding paragraph (1), 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, he is acting in the course of his duty as a member of any of Her Majesty's naval, military or air forces.

(9) An appropriate licence for the purposes of this article means a licence which entitles the holder to perform the functions which he undertakes in relation to the aircraft concerned and the flight on which it is engaged.

(10) This article shall not require a licence to be held by a person by reason of his acting as a member of the flight crew of a glider unless—

- (a) he acts as a flight radiotelephony operator otherwise than in accordance with paragraph (2)(a)(i); or
- (b) the flight is for the purpose of public transport or aerial work, other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.

(11) Notwithstanding anything in this article—

- (a) the holder of a licence granted or rendered valid under this Order, being a licence endorsed to the effect that the holder does not satisfy in full the relevant minimum standards established under the Chicago Convention, shall 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 permission granted by the competent authorities of that State;
- (b) the holder of a licence granted or rendered valid under the law of a Contracting State other than the United Kingdom, being a licence endorsed as aforesaid, shall not act as a member of the flight crew of any aircraft in or over the United Kingdom except in accordance with permission granted by the CAA, whether or not the licence is or is deemed to be rendered valid under this Order.