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## STATUTORY INSTRUMENTS

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# 2005 No. 1970

## The Air Navigation Order 2005

### PART 10

#### Licensing of Air Traffic Controllers

##### **Prohibition of unlicensed air traffic controllers and student air traffic controllers**

**107.**—(1) Subject to paragraphs (3) and (4), a person shall not act as an air traffic controller or hold himself out, whether by use of a radio call sign or in any other way, as a person who may so act unless he is the holder of, and complies with the privileges and conditions of—

- (a) a valid student air traffic controller's licence granted under this Order;
- (b) an appropriate air traffic controller's licence granted under this Order; or
- (c) a valid air traffic controller's licence so granted which is not appropriate but he is supervised as though he was the holder of a student air traffic controller's licence.

(2) A person shall not act as an air traffic controller unless he has identified himself in such a manner as may be notified.

(3) A licence shall not be required by any person who, acting in the course of his employment, passes on such instructions or advice as he has been instructed so to do by the holder of an air traffic controller's licence which entitles that holder to give such instructions or advice.

(4) A licence shall not be required by any person who acts in the course of his duty as a member of any of Her Majesty's naval, military or air forces or a visiting force.

##### **Grant and renewal of air traffic controller's and student air traffic controller's licences**

**108.**—(1) Subject to the provisions of this article the CAA shall grant licences, subject to any conditions it thinks fit, of either of the classes specified in Part A of Schedule 11, authorising the holder to act as an air traffic controller or a student air traffic controller in the United Kingdom.

(2) Before granting such a licence the CAA must be satisfied that the applicant is—

- (a) a fit person to act in the capacity to which the licence relates; and
- (b) is qualified by reason of his knowledge, experience, skill and physical and mental fitness to act in the capacity to which the licence relates, for which purpose he shall furnish such evidence and undergo such examinations, assessments and tests (including in particular medical examinations) and undertake such courses of training as the CAA may require of him.

(3) Such a licence—

- (a) shall, subject to article 92, remain in force for the period indicated therein, not exceeding the period specified in Schedule 11 for that licence;
- (b) shall, if no period is indicated remain in force, subject to article 92, for the lifetime of the holder;

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- (c) may be renewed by the CAA from time to time upon its being satisfied that the applicant is a fit person and qualified as specified in paragraph (2);
- (d) shall not be granted to any person who is under the minimum age specified for that licence in Part A of Schedule 11;
- (e) shall not be valid unless the holder has signed it in ink or indelible pencil with his ordinary signature.

(4) The CAA may include in an air traffic controller's licence, subject to such conditions as it thinks fit, any of the ratings and endorsements specified in Part B of Schedule 11, upon its being satisfied that the applicant is qualified as specified in paragraph (2)(b) to act in the capacity to which the rating or endorsement relates, and such rating or endorsement shall be deemed to form part of the licence.

(5) The holder of an air traffic controller's or a student air traffic controller's licence shall, upon such occasions as the CAA may require, submit himself for such examinations, assessments and tests (including medical examinations) and furnish such evidence as to his knowledge, experience, competence and skill and undergo such courses of training, as the CAA may require.

#### **Privileges of an air traffic controller's licence and a student air traffic controller's licence**

**109.**—(1) Subject to article 110 and to any conditions of the licence granted under article 108 an air traffic controller's licence shall entitle the holder to—

- (a) exercise the privileges specified in paragraph 1(3) of Part A of Schedule 11; and
- (b) exercise the privileges of any rating or endorsement included in the licence as specified in Part B of the said Schedule.

(2) Subject to article 110 and to any conditions of the licence granted under article 108 a student air traffic controller's licence shall entitle the holder to exercise the privileges specified in paragraph 2(3) of Part A of Schedule 11.

#### **Maintenance of validity of ratings and endorsements**

**110.**—(1) The holder of an air traffic controller's licence shall not be entitled to exercise the privileges of a rating or endorsement contained in the licence unless the licence includes a current unit licence endorsement specifying that the rating or endorsement is valid for—

- (a) the aerodrome or place at which he so acts;
- (b) the sector on which or the operational position at which he so acts; and
- (c) the surveillance equipment (if any) with which he so acts.

(2) A unit licence endorsement may be entered in a licence either by the CAA or by the holder of an air traffic controller's licence which includes an examiner licence endorsement.

#### **Obligation to notify rating ceasing to be valid and change of unit**

**111.**—(1) Subject to paragraph (2), when a rating ceases to be valid for a sector or operational position the holder of the licence shall forthwith inform the person who is approved under article 100 to provide an air traffic control service for that sector or operational position to that effect.

(2) When a rating ceases to be valid for a sector or operational position and is not valid for any other sector or operational position the holder shall notify the CAA and forward the licence to the CAA or a person approved by the CAA for the purpose who shall endorse the licence accordingly and return it to the holder.

(3) Whenever a person ceases to act as an air traffic controller at a particular unit he shall notify the CAA and forward the licence to the CAA or a person approved by the CAA for the purpose who shall endorse the licence accordingly and return it to the holder.

#### **Requirement for medical certificate**

**112.**—(1) On the basis of a medical examination referred to in article 108(2)(b) and (5), the CAA or any person approved by it as competent to do so may issue a medical certificate subject to such conditions as it or he thinks fit to the effect that the holder of the licence has been assessed as fit to perform the functions to which the licence relates.

(2) The certificate shall be deemed to form part of the licence.

(3) The holder of an air traffic controller's licence shall not act as an air traffic controller, unless his licence includes a medical certificate issued and in force under paragraph (1).

(4) The holder of a student air traffic controller's licence shall not act as a student air traffic controller unless his licence includes a medical certificate issued and in force under paragraph (1).

#### **Appropriate licence**

**113.** An air traffic controller's licence shall not be an appropriate licence for the purposes of this Part of the Order unless it includes valid ratings, endorsements and certificates which authorise the holder to provide, at the aerodrome or place, the type of air traffic control service for the sector on which or the operational position at which it is being provided and with the type of surveillance equipment being used (if any).

#### **Incapacity of air traffic controllers**

**114.**—(1) Every holder of an air traffic controller's licence granted under article 108 who—

- (a) suffers any personal injury or illness involving incapacity to undertake the functions to which his licence relates throughout a period of 20 consecutive days; or
- (b) in the case of a woman, has reason to believe that she is pregnant;

shall inform the CAA in writing of such injury, illness or pregnancy as soon as possible.

(2) An air traffic controller's medical certificate shall cease to be in force on the expiry of the period of injury or illness referred to in paragraph (1)(a) and shall come into force again (provided it has not expired)—

- (a) upon the holder being medically examined under arrangements made by the CAA and pronounced fit to resume his functions under the licence; or
- (b) upon the CAA exempting the holder from the requirement of a medical examination subject to such conditions as the CAA may think fit.

#### **Fatigue of air traffic controllers—air traffic controllers' responsibilities**

**115.** A person shall not act as an air traffic controller if he knows or suspects that he is suffering from or, having regard to the circumstances of the period of duty to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.

#### **Prohibition of acting under the influence of drink or a drug**

**116.** A person shall not act as an air traffic controller or a student air traffic controller whilst under the influence of drink or a drug to such an extent as to impair his capacity to act as such.

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### **Failing exams**

**117.** A person who, on the last occasion when he was examined, assessed or tested for the purposes of this Part, failed that examination, assessment or test shall not be entitled to act in the capacity for which that examination, assessment or test would have qualified him had he passed it.

### **Use of simulators**

**118.** No part of any examination, assessment or test undertaken for the purposes of this Part or Schedule 11 or any training which has been approved under article 119 shall be undertaken in a simulator unless that simulator has been approved by the CAA.

### **Approval of courses, persons and simulators**

**119.** Without prejudice to any other provision of this Order the CAA may, for the purposes of this Part—

- (a) approve any course of training or instruction;
- (b) authorise a person to conduct such examinations, assessments or tests as it may specify;
- (c) approve a person to provide any course of training or instruction; and
- (d) approve a simulator.

### **Acting as an air traffic controller and a student air traffic controller**

**120.** For the purposes of this Part and Schedule 11—

- (a) “acting as an air traffic controller” shall mean either—
  - (i) giving an air traffic control service; or
  - (ii) the supervision of a student air traffic controller;or both; and
- (b) “acting as a student air traffic controller” shall mean giving an air traffic control service under the supervision of an air traffic controller.

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**Changes and effects yet to be applied to :**

- Instrument by [S.I. 2006/1384 reg 16](#)
- Instrument by [S.I. 2006/1384 reg 17](#)
- Instrument appl in pt (mod) by [S.I. 2008/25 art 4 schedule](#)
- Part 10 (arts 107 - 120) subst by [S.I. 2009/1742 arts 23](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art 28A added (31.1.2008) by [S.I. 2007/3467 arts 25](#)
- art 31A added (31.1.2008) by [S.I. 2007/3467 arts 25](#)
- arts 32A - 32C added (31.1.2008) by [S.I. 2007/3467 arts 25](#)
- art 52A added by [S.I. 2007/274 art 4](#)
- art 54A added by [S.I. 2007/274 art 4](#)
- art 61A added (31.1.2008) by [S.I. 2007/3467 arts 211](#)
- art 62A added by [S.I. 2007/274 art 5](#)
- art 72A added by [S.I. 2007/274 art 4](#)
- art 141A added by [S.I. 2006/2316 art 2](#)
- arts 144A-144C added by [S.I. 2006/1384 reg 14](#)