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STATUTORY INSTRUMENTS

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**2007 No. 3467**

**CIVIL AVIATION**

**The Air Navigation (Amendment) (No. 2) Order 2007**

*Made - - - - 12th December 2007*

*Laid before Parliament 19th December 2007*

*Coming into force in accordance with article 1*

At the Court at Buckingham Palace, the 12th day of December 2007

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 60 (other than sub-section (3)(r)), 61 and 102 of and Schedule 13 to the Civil Aviation Act 1982<sup>(1)</sup> is pleased, by and with the advice of Her Privy Council, to order as follows:

**Citation and commencement**

1.—(1) This Order may be cited as the Air Navigation (Amendment) (No. 2) Order 2007 and, subject to paragraph (2), comes into force on 31st January 2008.

(2) Articles 13 and 14 come into force on 31st March 2008.

**Amendment of the Air Navigation Order 2005**

2. The Air Navigation Order 2005<sup>(2)</sup> is amended as follows.

**Airworthiness deregulation of small microlights**

3. In article 8(2)—

(a) in paragraph (d) omit the final “or”;

(b) at the end of paragraph (e) for the full stop substitute “; or”; and

(c) after paragraph (e) add—

“(f) a microlight aeroplane that—

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(1) 1982 c. 16 sections 60 and 61 have been amended by the Airports Act 1986 (c.31) Schedule 6 Part 11, and section 60 was further amended by the Aviation and Maritime Security Act 1990 (c.31), section 47 and Schedule 4.

(2) S.I. 2005/1970 amended by S.I. 2006/1384, S.I. 2006/2316 and S.I. 2007/274.

- (i) is designed to carry one person only;
- (ii) has a maximum weight without its pilot and fuel of 115kg;
- (iii) has a maximum wing loading without its pilot and fuel of 10 kg per square metre;  
and
- (iv) is flying on a private flight.”.

#### **Acceptance of EASA permits to fly**

- 4. In article 8(2)(e) after “an EASA permit to fly” omit “issued by the CAA”.

#### **Changes concerning the National Private Pilot’s Licence (Aeroplanes)**

- 5.—(1) For article 27(4) substitute—

“(4) Subject to paragraph (5), the CAA may, subject to such conditions as it thinks fit, include in any United Kingdom licence or JAR-FCL licence, any rating or qualification specified in Section 1 of Part B of Schedule 8, upon being satisfied that the applicant is qualified by reason of his knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the rating or qualification relates, and such rating or qualification is deemed to form part of the licence.

(4A) The CAA may, subject to such conditions as it thinks fit, include in any United Kingdom licence, JAR-FCL licence or National Private Pilot’s Licence (Aeroplanes), any rating specified in Section 2 of Part B of Schedule 8, upon being satisfied that the applicant is qualified by reason of his knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the rating relates, and any such rating is deemed to form part of the licence.”

- (2) For article 27(5) substitute—

“(5) The CAA shall not grant a flying instructor’s rating (aeroplanes), an assistant flying instructor’s rating (aeroplanes), a flying instructor’s rating (helicopters) or an assistant flying instructor’s rating (helicopters).”.

(3) For the heading to article 28 substitute “Maintenance of privileges of aircraft ratings specified in Section 1 of Part B of Schedule 8 in United Kingdom licences for which there are no JAR-FCL equivalents except for Basic Commercial Pilot’s Licences, Flight Engineer’s Licences and Flight Navigator’s Licences.”

(4) In article 28(2) for “contained in the licence” substitute “specified in Section 1 of Part B of Schedule 8 and included in the licence”.

(5) In article 28(3) for “contained in the licence” substitute “specified in Section 1 of Part B of Schedule 8 and included in the licence”.

- (6) For article 28(4) substitute—

“(4) The holder of a United Kingdom Private Pilot’s Licence (Gyroplanes) is not entitled to exercise the privileges of an aircraft rating specified in Section 1 of Part B of Schedule 8 and included in the licence unless the certificate of test or certificate of experience required by paragraph (2) is included in the personal flying log book required to be kept by him under article 35.”.

- (7) After article 28 insert—

#### **“Maintenance of privileges of Flight Navigator’s Licences**

**28A.** The holder of a Flight Navigator’s Licence is not entitled to perform functions on a flight to which article 25(9) applies unless the licence bears a valid certificate of experience

which certificate is appropriate for the functions he is to perform on that flight in accordance with Section 1 of Part C of Schedule 8 and which otherwise complies with that Part.”.

(8) In the heading to article 29 after “aircraft ratings” insert “specified in Section 1 of Part B of Schedule 8”.

(9) In article 29(2) for “an aircraft rating contained in the licence” substitute “an aircraft rating specified in Section 1 of Part B of Schedule 8 and included in the licence”.

(10) In article 29(2)(a) after “in respect of the rating” insert “issued and valid in accordance with Section 2 of Part C of Schedule 8”.

(11) Add at the end of article 29(3) “issued and valid in accordance with Section 2 of Part C of Schedule 8”.

(12) Omit article 30.

(13) For the heading to article 31 substitute “Maintenance of privileges of other ratings specified in Section 1 of Part B of Schedule 8”.

(14) For article 31(2) substitute—

(a) “(2) A person is not entitled to perform the functions to which a rating specified in Section 1 of Part B of Schedule 8 and described in sub-paragraph (b) relates unless his licence bears a valid certificate of revalidation in respect of the rating issued and valid in accordance with Section 2 of Part C of Schedule 8.

(b) The ratings referred to in sub-paragraph (a) are—

(i) an instrument rating (aeroplane);

(ii) an instrument rating (helicopter); and

(iii) any instructor’s rating other than a flying instructor’s rating (gyroplanes) or an assistant flying instructor’s rating (gyroplanes).”.

(15) After article 31 insert—

**“Maintenance of privileges of ratings specified in Section 2 of Part B of Schedule 8**

**31A.**—(1) Subject to paragraph (2), the holder of a United Kingdom Licence, a JAR-FCL Licence or a National Private Pilot’s Licence (Aeroplanes) is not entitled to exercise the privileges of any rating specified in Section 2 of Part B of Schedule 8 which is included in the licence unless the licence includes a certificate of revalidation in respect of the rating issued and valid in accordance with Section 3 of Part C of Schedule 8.

(2) The holder of a United Kingdom Private Pilot’s Licence is not entitled to exercise the privileges of a microlight aeroplane class rating specified in Section 2 of Part B of Schedule 8 which is included in the licence unless the requirement in paragraph (3) is satisfied.

(3) The requirement referred to in paragraph (2) is that there is included in the personal flying log book required to be kept by him under article 35 a valid certificate of test or a valid certificate of experience in respect of the rating, which certificate is in either case appropriate to the functions he is to perform on that flight in accordance with Section 1 of Part C of Schedule 8 and which otherwise complies with that Section.”

(16) For article 32 substitute—

**“Requirement for a medical certificate**

**32.**—(1) This article applies to any licence granted under article 27, other than a National Private Pilot’s Licence (Aeroplanes) or a Flight Radiotelephony Operator’s Licence.

(2) The holder of a licence to which this article applies is not entitled to perform any of the functions to which his licence relates unless it includes an appropriate valid medical certificate issued under paragraph (4).

(3) Every applicant for or holder of a licence to which this article applies must, whenever the CAA requires, submit himself to medical examination by a person approved by the CAA, either generally or in a particular case or class of cases, who must make a report to the CAA in such form as the CAA may require.

(4) On the basis of such medical examination, 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 it or he has assessed the holder of the licence as meeting the requirements specified by the CAA in respect of the certificate.

(5) A medical certificate will, without prejudice to article 32B(3), be valid for such period as is specified in the certificate.

(6) A medical certificate is deemed to form part of the licence.

#### **Requirement for a medical declaration for a National Private Pilot's Licence (Aeroplanes)**

**32A.**—(1) The holder of a National Private Pilot's Licence (Aeroplanes) is not entitled to exercise any of the privileges of the licence unless he has either a medical certificate which is valid in accordance with article 32 or a medical declaration which is valid in accordance with paragraph (2).

(2) A medical declaration is valid if—

- (a) the applicant has signed a statement in the declaration that he believes himself to meet the requirements to fly having regard to the standards specified by the CAA in the declaration;
- (b) the applicant reasonably holds that belief;
- (c) the applicant has authorised his General Practitioner to review his medical records;
- (d) his General Practitioner has signed a statement in the declaration that, having seen those medical records, he is satisfied that there is nothing in the pilot's medical history which prevents him from meeting the medical standards specified in the declaration; and
- (e) the validity period of the declaration has not expired.

(3) The validity period of a medical declaration commences on the date it is signed by the General Practitioner and is as specified in the following table.

#### **Period of validity of medical declaration**

<i>Age of applicant at date of signature by GP</i>	<i>Medical declaration validity period</i>
Under 45	Until the applicant's 45th birthday or 5 years whichever is the longer period
45 to 59	5 years
60-64	Until the applicant's 65th birthday or 1 year whichever is the longer period
65 or over	1 year

### **Licence holder not to act a member of flight crew when unfit**

**32B.**—(1) A person is not entitled to act as a member of the flight crew of an aircraft registered in the United Kingdom if he knows or suspects that his physical or mental condition renders him temporarily or permanently unfit to perform such functions or to act in such capacity.

(2) Every holder of a medical certificate issued under article 32 who—

- (a) suffers any personal injury involving incapacity to undertake his functions as a member of the flight crew;
- (b) suffers any 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 the CAA in writing 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 is deemed to be 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 the holder being medically examined under arrangements made by the CAA and pronounced fit to resume his functions as a member of the flight crew or upon the CAA exempting, subject to such conditions as it thinks fit, the holder from the requirement of a medical examination.

(5) In the case of pregnancy, the suspension may be lifted by the CAA for such period and subject to such conditions as it thinks fit and ceases upon the holder being medically examined 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.

### **Training for landing on or taking off from water**

**32C.** A person must not act as pilot in command of an aircraft which takes off from or lands on water unless appropriate training has been completed and recorded in his personal flying log book.”

(17) In article 155(1) after the definition of Special VFR flight insert—

“‘SSEA’ means a simple single engine aeroplane;”

**6.**—(1) In the heading to Schedule 8 for “articles 27, 28, 29, 30 and 31” substitute “articles 27, 28, 28A, 29, 31 and 31A”.

(2) In Schedule 8, Part A, Section 1, Sub-Section 1 in the privileges of the Private Pilot’s Licence (Aeroplanes), in paragraph (2)(b) for “microlight aircraft” substitute “microlight aeroplane”.

(3) In Schedule 8, Part A, Section 2, Sub-Section 1, in the privileges and conditions of the Private Pilot Licence (Aeroplane)—

(a) in paragraph (1) after “Subject to” insert “paragraph (4) and to”;

(b) after paragraph (3) add—

- (a) “(4) If the licence includes a flying instructor’s rating, a flight instructor rating or an assistant flying instructor’s rating by virtue of which the holder is entitled to give instruction in flying microlight aeroplanes or self-launching motor gliders he may fly such an aeroplane for the purpose of aerial work specified in sub-paragraph (b) and receive remuneration specified in sub-paragraph (c).

- (b) The aerial work referred to in sub-paragraph (a) consists of the giving of instruction in flying, or the conducting of flying tests for the purposes of this Order, in either case in an aeroplane owned, or operated under arrangements entered into, 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.
  - (c) The remuneration referred to in sub-paragraph (a) is remuneration for the giving of such instruction or the conducting of such flying tests as are specified in sub-paragraph (b) in a microlight aeroplane or a self-launching motor glider.”
- (4) In Schedule 8, Part A, Section 3, in the privileges and conditions of the National Private Pilot’s Licence (Aeroplanes)—
- (a) for “simple single engine aeroplane” wherever it occurs, insert “SSEA”;
  - (b) for paragraph (1) substitute—
    - “(1) Subject to paragraphs (2), (3), (4), (4A), (4B), (5) and (6), the holder of the licence is entitled to fly as pilot in command of any SSEA, microlight aeroplane or self-launching motor glider for which a class rating is included in the licence.”;
  - (c) at the end of paragraph (3) add “or (4A)”;
  - (d) in paragraph (4) after “The circumstances” insert “first”;
  - (e) after paragraph (4) insert—
    - “(4A) The circumstances secondly referred to in paragraph (3) are that he flies such an aeroplane for the purpose of aerial work which consists of—
      - (a) the giving of instruction in flying microlight aeroplanes or self-launching motor gliders, if his licence includes a flying instructor’s rating or an assistant flying instructor’s rating; or
      - (b) the conducting of flying tests for the purposes of this Order,
- in either case in an aeroplane owned, or operated under arrangements entered into, 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.
- Receipt of remuneration*
- (4B) He must not receive any remuneration for his services as a pilot on a flight except that if his licence includes a flying instructor’s rating or an assistant flying instructor’s rating entitling him to give instruction in flying microlight aeroplanes or self-launching motor gliders he may receive remuneration for the giving of such instruction or the conducting of such flying tests as are specified in paragraph (4A) in a microlight aeroplane or a self-launching motor glider.”;
  - (f) omit paragraph (7).
7. For Schedule 8 Part B substitute—

## “PART B

### Ratings and qualifications

#### SECTION 1

Ratings which may be included in United Kingdom Licences and JAR-FCL Licences but not in National Private Pilot’s Licences (Aeroplanes)

##### *SUB-SECTION 1*

###### *Aircraft ratings*

1. An aircraft rating may, subject to article 27(5), be included in a United Kingdom licence or a JAR-FCL licence granted under Part 4, and, subject to the provisions of this Order and of the licence, the inclusion of a rating in a licence has the consequences respectively specified as follows.
2. 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.
3. 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.

##### *SUB-SECTION 2*

###### *Other ratings*

1. The following ratings and qualifications may, subject to article 27(5), be included in a United Kingdom pilot licence or a JAR-FCL pilot licence granted under Part 4, and, subject to the provisions of this Order and of the licence, the inclusion of a rating or qualification in a licence has the consequences respectively specified as follows—

###### *Instrument meteorological conditions rating (aeroplanes)*

- (1) Subject to paragraph (2), within the United Kingdom an instrument meteorological conditions rating (aeroplanes) rating entitles—
  - (a) the holder of a United Kingdom Private Pilot’s Licence (Aeroplanes) or a United Kingdom Basic Commercial Pilot’s Licence (Aeroplanes) to fly as pilot in command of an aeroplane without being subject to the restrictions contained respectively in paragraph (2)(c) or (f) of the privileges of the United Kingdom Private Pilot’s Licence (Aeroplanes) or paragraph (3)(g) or (i) of the privileges of the United Kingdom Basic Commercial Pilot’s Licence (Aeroplanes); and
  - (b) the holder of a JAR–FCL Private Pilot Licence (Aeroplane) to fly as pilot in command of an aeroplane in Class D or E airspace in circumstances which require compliance with the Instrument Flight Rules.
- (2) The rating does not entitle the holder of the licence to fly –
  - (a) on a special VFR flight in a control zone in a flight visibility of less than 3 km; or
  - (b) when the aeroplane is taking off or landing at any place if the flight visibility below cloud is less than 1800 metres.

###### *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 in controlled airspace in circumstances which require compliance with 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 in controlled airspace in circumstances which require compliance with the Instrument Flight Rules.

*Night rating (aeroplanes)*

A night rating (aeroplanes) entitles the holder of a United Kingdom Private Pilot's Licence (Aeroplanes) or a United Kingdom Basic Commercial Pilot's Licence (Aeroplanes) to act as pilot in command of an aeroplane at night.

*Night qualification (aeroplane)*

A night qualification (aeroplane) entitles the holder of a United Kingdom Private Pilot's Licence (Aeroplanes), a JAR-FCL Private Pilot Licence (Aeroplane) or a United Kingdom Basic Commercial Pilot's Licence (Aeroplanes) to act as pilot in command of an aeroplane at night.

*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 qualification (helicopter)*

A night qualification (helicopter) entitles the holder of a United Kingdom Private Pilot's Licence (Helicopters) or a JAR-FCL Private Pilot Licence (Helicopter) 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.

*Towing rating (flying machines)*

A towing rating (flying machines) entitles the holder of the licence to act as pilot of a flying machine while towing a glider in flight for the purpose of public transport or aerial work.

*Flying instructor's rating*

A flying instructor's rating entitles the holder of the licence to give instruction in flying aircraft of such types and classes as may be specified in the rating for that purpose.

*Assistant flying instructor's rating*

(1) Subject to paragraph (2), an assistant flying instructor's rating entitles the holder of the licence to give instruction in flying aircraft of such types and classes as may be specified in the rating for that purpose.

- (a) (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 who holds a pilot's licence endorsed with a flying instructor's rating entitling him to instruct on an aircraft of the same type or class as the aircraft on which instruction is being given.

- (b) An assistant flying instructor's rating does not entitle the holder of the licence to give directions to the person undergoing instruction in respect of the performance by that person of –
- (i) his first solo flight;
  - (ii) his first solo flight by night;
  - (iii) his first solo cross-country flight otherwise than by night; or
  - (iv) his first solo cross-country flight by night.

*Flight instructor rating (aeroplane)*

A flight instructor rating (aeroplane) entitles the holder of the licence to give instruction in flying aircraft of such types and classes as may be specified in the rating for that purpose subject to the restrictions specified below.

*Restrictions - restricted period*

- (1) Until the holder of a flight instructor rating (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 rating are restricted.
- (2) The restrictions will be removed from the rating when the above requirements have been met and on the recommendation of the supervising flight instructor (aeroplane).

*Restrictions - restricted privileges*

- (1) The privileges will be restricted to carrying out under the supervision of the holder of a flight instructor rating (aeroplane) approved for this purpose—
- (a) flight instruction for the issue of the Private Pilot Licence (Aeroplane) or those parts of integrated courses at Private Pilot Licence (Aeroplane) level and class and type ratings for single-engine aeroplanes, excluding 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 rating (helicopter)*

A flight instructor rating (helicopter) entitles the holder of the licence to give instruction in flying helicopters of such types as may be specified in the rating for that purpose subject to the following restrictions.

*Restrictions - restricted period*

- (1) Until the holder of a flight instructor rating (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 rating are restricted.
- (2) The restrictions will be removed from the rating when the above requirements 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 rating (helicopter) approved for this purpose –
- (a) flight instruction for the issue of the Private Pilot Licence (Helicopter) or those parts of integrated courses at Private Pilot Licence (Helicopter) level and type ratings for single-engine helicopters, excluding 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.

*Type rating instructor rating (multi-pilot aeroplane)*

A type rating instructor rating (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 rating (helicopter)*

A type rating instructor rating (helicopter) entitles the holder to instruct licence holders for the issue of a type rating, including the instruction required for multi-crew co-operation.

*Class rating instructor rating (single-pilot aeroplane)*

A class rating instructor rating (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 rating (aeroplane)*

An instrument rating instructor rating (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 rating (helicopter)*

An instrument rating instructor rating (helicopter) entitles the holder to conduct flight instruction for the issue of an instrument rating (helicopter).

**2.** For the purposes of this Section—

“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;

“Solo flight” means a flight on which the pilot of the aircraft is not accompanied by a person holding a pilot’s licence granted or rendered valid under this Order;

“Cross-country flight” means any flight during the course of which the aircraft is more than 3 nautical miles from the aerodrome of departure.

## SECTION 2

Aircraft and instructor ratings which may be included in United Kingdom Licences, JAR-FCL Licences and National Private Pilot’s Licences (Aeroplanes)

**1.** The following ratings may be included in a United Kingdom pilot licence, a JAR-FCL pilot licence or a National Private Pilot’s Licence (Aeroplanes) granted under Part 4, and, subject to the provisions of this Order and of the licence, the inclusion of a rating in a licence has the consequences respectively specified as follows—

*Microlight class rating*

(1) Subject to paragraph (2) 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.

- (a) (2) Where 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.

- (b) Where—

- (i) the aeroplane has 3 axis controls and his previous training and experience has only been in an aeroplane with flexwing/weightshift controls;

- (ii) the aeroplane has flexwing/weightshift controls and his previous training and experience has only been in an aeroplane with 3 axis controls; or
  - (iii) the aeroplane has more than one engine,
- before he exercises the privileges of the rating, appropriate differences training, given by a flight instructor entitled to instruct on the aeroplane on which instruction is being given, must have been completed, recorded in his personal flying logbook, and endorsed and signed by the instructor conducting the differences training.
- (c) Where the aeroplane is to be operated from water during take-off and landing, before he exercises the privileges of the rating—
    - (i) appropriate differences training, given by a flight instructor entitled to instruct on the aeroplane on which instruction is being given, must have been completed, recorded in his personal flying logbook, and endorsed and signed by the instructor conducting the differences training; and
    - (ii) the holder must have attained a pass in the Private or Professional Seamanship examination.

#### *SSEA class rating*

(1) Subject to paragraph (2) 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 weight authorised not exceeding 2000kg excluding any such aeroplane which is a self-launching motor glider or a microlight aeroplane.

- (a) (2) Where 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 SSEA.
- (b) Where the aeroplane—
  - (i) is fitted with a tricycle undercarriage;
  - (ii) is fitted with a tailwheel;
  - (iii) is fitted with a supercharger or turbo-charger;
  - (iv) is fitted with a variable pitch propeller;
  - (v) is fitted with retractable landing gear;
  - (vi) is fitted with a cabin pressurisation system; or
  - (vii) the aeroplane has a maximum continuous cruising speed in excess of 140 knots indicated airspeed,before he exercises the privileges of the rating, appropriate differences training, given by a flight instructor entitled to instruct on the aeroplane on which instruction is being given, must have been completed, recorded in his personal flying logbook, and endorsed and signed by the instructor conducting the differences training.
- (c) Where the aeroplane is to be operated from water during take-off and landing, before he exercises the privileges of the rating—
  - (i) appropriate differences training, given by a flight instructor entitled to instruct on the aeroplane on which instruction is being given, must have been completed, recorded in his personal flying logbook, and endorsed and signed by the instructor conducting the differences training; and

- (ii) the holder must have attained a pass in the Private or Professional Seamanship examination.

*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 self-launching motor glider.

(2) Where 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 self-launching motor glider.

*Flying instructor’s rating (microlight)*

A flying instructor’s rating (microlight) entitles the holder of the licence to give instruction in flying microlight aeroplanes.

*Flying instructor’s rating (SLMG)*

A flying instructor’s rating (SLMG) entitles the holder of the licence to give instruction in flying self-launching motor gliders.

*Assistant flying instructor’s rating (microlight)*

(1) Subject to paragraph (2), an assistant flying instructor’s rating (microlight) entitles the holder of the licence to give instruction in flying microlight aeroplanes.

(a) (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 flying instructor’s rating entitling him to instruct on a microlight aeroplane with the same type of control system as the microlight aeroplane on which instruction is being given.

(b) An assistant flying instructor’s rating (microlight) does not entitle the holder of the licence to give directions to the person undergoing instruction in respect of the performance by that person of—

- (i) his first solo flight; or  
(ii) his first solo cross-country flight.”.

**8.** In Schedule 8, Part C, Section 1—

- (a) in paragraph 1(a) for “article 28, 30(2) or 31(1)” substitute “article 28, 28A, 31(1) or 31A(3)”;
- (b) in paragraph 1, in the Table under Class of United Kingdom Licence in Case A, omit “Microlight Licence” and “SLMG Licence”;
- (c) in paragraph 1, in the Table after Case A insert—

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“A1 (Aeroplanes)	Private Pilot’s Licence Any flight within the Certificate of test or privileges of a microlight certificate of experience”; aeroplane class rating or a SLMG class rating included in the licence
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- (d) in paragraph 2 for “article 28, 30(2) or 31(1)” substitute “article 28, 31(1) or 31A(3)”;
- (e) in paragraph 4(a) for “required by article 28 or 30(2)” substitute “required by article 28, 31(1) or 31A(3)”;

(f) in paragraph 5, for “article 28 or 30(2)” substitute “article 28, 28A or 31A(3)”.

9. In Schedule 8, Part C, Section 2, in paragraph 3 for “article 29 or 31(2)” substitute “article 29, 31(2) or 31A(1)”.

10. For Schedule 8, Part C, Section 3 substitute—

“SECTION 3

Requirement for a Certificate of Revalidation to maintain the validity of a rating specified in Section 2 of Part B

1.—(1) A certificate of revalidation required by article 31 in respect of 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.

(2) The person signing the certificate must certify the following particulars—

- (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 1 and Table 2;
- (c) the specified date; and
- (d) the date on which the period of validity of the certificate expires in accordance with Table 3.

(3) 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 2, 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”.

(4) A certificate of revalidation remains valid in accordance with Table 3.

**Table 1 - Requirements for issue of a certificate of revalidation for an aeroplane class rating included in Section 2 of Part B**

	<i>Circumstances</i>	<i>Requirements</i>
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 his 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 2
3	The last previous certificate of revalidation for the rating expired less than 5 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

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	<i>Circumstances</i>	<i>Requirements</i>
4	The last previous certificate of revalidation for the rating expired 5 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 2 - Experience requirements for issue of certificate of revalidation in accordance with paragraph 2(b) of Table 1**

	<i>Circumstances</i>	<i>Experience requirements</i>
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 1 hour of flying training with an instructor entitled to give instruction on aeroplanes of that class; and (iv) flown at least 6 hours in the 12 months preceding the specified date. (b) Where 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 8 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 held, either— (aa) flown at least 1 hour as pilot in command; or (bb) undertaken at least 1 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 1 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

	<i>Circumstances</i>	<i>Experience requirements</i>
		<p>(v) flown at least 6 hours in the 12 months preceding the specified date in an aeroplane coming within any of the aeroplane class ratings which are held.</p> <p>(b) Where the holder has flown at least 1 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”.</p>

**Table 3 - Period of validity of certificate of revalidation for an aeroplane class rating included in Section 2 of Part B**

	<i>Circumstances</i>	<i>Period of validity for a certificate of revalidation for aeroplane class ratings</i>
1	The previous certificate is valid on the specified date of the new certificate	The new certificate is valid for 24 months from the date of expiry of the current certificate
2	There is no valid certificate on the specified date of the new certificate.	The new certificate is valid for 24 months from the specified date

2.—(1) A certificate of revalidation required by article 31A(1) for a flying instructor’s rating (SLMG), a flying instructor’s rating (microlight), or an assistant flying instructor’s rating (microlight) must be signed by a person authorised by the CAA to sign certificates of this kind.

- (2) The person signing the certificate must certify the following particulars—
- the rating to which the certificate relates;
  - that on a specified date the holder has passed an appropriate test of his ability to exercise the privileges of the rating;
  - the specified date; and
  - the date on which the period of validity of the certificate expires in accordance with Table 4.
- (3) A certificate of revalidation remains valid in accordance with Table 4.

**Table 4 - Period of validity of certificate of revalidation for a flying instructor’s rating included in Section 2 of Part B**

	<i>Circumstances</i>	<i>Period of validity for a certificate of revalidation for a flying instructor’s rating (microlight and/or SLMG)</i>	<i>Period of validity for a certificate of revalidation for an assistant flying instructor’s rating (microlight)</i>
	Whether or not a previous certificate is valid on the specified date of the instructor flight and ground test	The new certificate is valid for 25 months from the date of test	The new certificate is valid for 13 months from the date of test”

## Flight crew training in use of ACAS

11. After article 61 insert—

### “Training in use of airborne collision avoidance system

61A.—(1) This article applies to any aeroplane to which article 38 does not apply.

(2) In this article “an ACAS equipped flight” means a flight on which an airborne collision avoidance system is required to be carried by article 20 and Schedule 5.

(3) Before commencing an ACAS equipped flight in an aeroplane to which this article applies the commander must reasonably satisfy himself that every member of the flight crew has had the training specified in paragraph (5).

(4) No person may act as a member of the flight crew on an ACAS equipped flight in an aeroplane to which this article applies unless he has had the training specified in paragraph (5).

(5) The training referred to in paragraphs (3) and (4) is—

- (a) suitable training in the operation of the airborne collision avoidance system in the aeroplane; and
- (b) suitable training in the use of the procedures referred to in article 61(b).”

## Multi-crew pilots licence

12.—(1) In article 155(1) in the definition of JAR-FCL 1 insert after “means” “unless otherwise specified”.

(2) In Schedule 8, Part A, Section 2, Sub-Section 1, after the entry for the Commercial Pilot Licence (Aeroplane) insert—

### “Multi-Crew Pilot Licence (Aeroplane)

*Minimum age – 18 years*

*Maximum period of validity – 5 years*

*Privileges and conditions:*

1.—(1) Subject to any conditions specified in respect of the licence, the privileges of the holder of a Multi-Crew Pilot Licence (Aeroplane) are to—

- (a) act as co-pilot of any aeroplane included in Part XII of the licence which is required to be operated with a co-pilot on any flight;
- (b) exercise the privileges of the licence at night;
- (c) exercise the privileges of an instrument rating (aeroplane) in an aeroplane required to be operated with a co-pilot;
- (d) exercise the privileges of the holder of a Private Pilot Licence (Aeroplane) provided that the requirements for that licence specified in Subpart C of Section 1 of JAR-FCL 1 are met;
- (e) exercise the privileges of a Commercial Pilot Licence (Aeroplane) provided that the requirements for that licence specified in paragraph 1.155(e) of Section 1 of JAR-FCL are met; and
- (f) exercise the privileges of the instrument rating (aeroplane) in an aeroplane certificated for single pilot operation, provided that the licence holder has demonstrated an ability to act as pilot in command in an aeroplane certificated for

single pilot operation exercised solely by reference to instruments by completing specific training at the discretion of the CAA and meeting the requirements as set out in paragraph 1.210 of Section 1 of JAR-FCL.

(2) The licence is subject to the conditions and restrictions specified in paragraph 1.175 of Section 1 of JAR-FCL 1.

(3) The holder must not operate an aeroplane carrying passengers as co-pilot unless he has carried out at least three take-offs and three landings as pilot flying in an aeroplane of the same type or class or in a flight simulator, approved for the purpose, of the aeroplane type or class to be used, in the preceding 90 days.

*Curtailed privileges of licence holders aged 60 years or more*

(4) The holder of a licence who has attained the age of 60 years but not attained the age of 65 years must not act as a pilot of an aeroplane on a public transport flight except where the holder is—

- (a) a member of a multi-pilot crew; and
- (b) the only pilot in the flight crew who has attained the age of 60 years.

(5) The holder of a licence who has attained the age of 65 years must not act as a pilot of an aeroplane on a public transport flight.

**2.** In paragraph 1, a reference to JAR-FCL 1 is a reference to the Joint Aviation Requirement of the JAA bearing that title including Amendment 7 adopted by the JAA on 1 December 2006”.

(3) In Schedule 8, Part A, Section 2, Sub-Section 1, in the privileges and condition of the Airline Transport Pilot Licence (Aeroplane)—

- (a) For “(1)” substitute “1(1)”.
- (b) After sub-paragraph (2) insert—
  - (a) “(2A) When the holder of such a licence has previously held only a Multi-Crew Pilot Licence (Aeroplane), the privileges of the licence are restricted to aircraft required to be operated with a co-pilot unless the holder has met the requirements of Subpart C of Section 1 of JAR-FCL 1 and paragraph 1.510(a)(2) and (a)(3) of Section 1 of JAR-FCL as applicable to the operation of aeroplanes certificated for single pilot operation.
  - (b) Any such restriction must be endorsed on the licence.”.

(c) After sub-paragraph (4) insert—

“**2.** In paragraph 1, a reference to JAR-FCL 1 is a reference to the Joint Aviation Requirement of the JAA bearing that title including Amendment 7 adopted by the JAA on 1 December 2006.”.

**Carriage of Mode S**

**13.** In Schedule 5, in the Table at paragraph 2—

- (a) in sub-paragraph (1)(a) for “E1” substitute “E2”;
- (b) omit sub-paragraph (1)(d);
- (c) after sub-paragraph (1) insert—

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“(1A) All aircraft (except gliders and balloons) within the United Kingdom

E2”

when flying for the purpose of public transport

(d) after sub-paragraph (2) insert—

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“(2A) All gliders flying at or above flight level 195 except when flying within airspace notified as a Temporary Reserved Area – Gliders	E2”
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(e) in sub-paragraph (3)(a), (b) and (c) for “E1” substitute “E2”;

(f) omit sub-paragraph (4)(d);

(g) after sub-paragraph (4) insert—

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“(4A) All aircraft required to carry Scale E2 or E3	EE”
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(h) omit sub-paragraph (5)(b);

(i) after sub-paragraph (5) insert—

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“(5A) All aircraft (except gliders and balloons) registered in the United Kingdom, wherever they may be, when flying for the purpose of public transport	E2”
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**14.** In Schedule 5, in paragraph 3(1) for “sub-paragraphs (1), (2), (3), (4)(a), (4)(c) and 5(e)” substitute “sub-paragraphs (1), (1A), (2), (2A), (3), (4), (5)(e) and (5A)”.

### Other changes

**15.**—(1) In article 14(1) after “An aircraft registered in the United Kingdom” insert “in respect of which a certificate of airworthiness is in force”.

(2) In article 14(1)(a) omit “in respect of which a certificate of airworthiness is in force”.

(3) In article 15(1) after “aircraft registered in the United Kingdom” insert “in respect of which a certificate of airworthiness is in force”.

(4) In article 25 for sub-paragraph (7)(d) substitute—

“(d) flying in circumstances where the commander is required to comply with the Instrument Flight Rules or is flying at night on a special VFR flight.”.

(5) In article 128 after paragraph (1) insert—

“(1A) An aerodrome licence may be granted subject to such conditions as the CAA thinks fit and, subject to article 92, remains in force for the period specified in the licence.”

(6) In article 155(1)—

(a) in the definition of Class rating for “1.220” substitute “1.215”

(b) in the definition of Type rating for “1.215” substitute “1.220 and 2.220”.

(7) In Schedule 4, in paragraph 5(2)(a)(v)(bb) and paragraph 5(15)(a)(v)(cc), in the column headed “Circumstances of Flight” omit “on or after 1st January 2007”.

(8) In Schedule 4, paragraph 6, in Scale KK for “Volume III (Fifth Edition July 1995)” on each occasion it occurs substitute “Volume III (First Edition July 1995)”.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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*Judith Simpson*  
Clerk of the Privy Council

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Air Navigation Order 2005. Apart from minor drafting changes the following changes are made—

### **Airworthiness deregulation of small microlights**

1. Small single seat microlight aeroplanes do not require a certificate of airworthiness or permit to fly. (Article 3)

### **Acceptance of EASA permits to fly**

2. An aircraft may fly within the United Kingdom with a permit to fly issued by any EASA National Aviation Authority. (Article 4)

### **Changes concerning the National Private Pilot's Licence (Aeroplanes)**

3.—(1) The holder of a National Private Pilot's Licence (Aeroplanes) requires a medical declaration rather than a medical certificate to fly a simple single engine aeroplane (SSEA), microlight aeroplane or self launching motor glider (SLMG).

(2) A class rating for a SSEA, microlight aeroplane or SLMG may be included in a United Kingdom or JAR licence as well as in a National Private Pilot's Licence (Aeroplanes).

(3) Revalidation and renewal requirements for the privileges of a National Private Pilot's Licence (Aeroplanes) are in the same form as the requirements for equivalent privileges included in other types of licence.

(4) Consolidated revalidation requirements apply to a National Private Pilot's Licence (Aeroplanes) holder with more than one aircraft Class Rating.

(5) Microlight and Self Launching Motor Glider Flight Instructor ratings may be included in a National Private Pilot's Licence (Aeroplanes).

(6) Training is required by a pilot taking off from or landing on water.  
(Articles 5-10)

### **Flight crew training in use of ACAS**

4. The flight crew of an aircraft required to be equipped with an airborne collision avoidance system must be trained in the use of that system. (Article 11)

### **Multi-crew pilots licence**

5. A Multi-Crew Pilot Licence (Aeroplane) is introduced. The holder of such a licence is entitled to act as co-pilot of any aeroplane of a type included in the licence which is required to be operated with a co-pilot. The holder may become entitled to act as pilot in command if additional requirements are met. (Article 12)

### **Carriage of Mode S**

6. Secondary surveillance radar equipment which meets the requirements for Mode S elementary surveillance must be carried in circumstances where previously secondary surveillance radar equipment capable of operating in Mode A and Mode C was to be carried. (Articles 13 and 14)

### **Regulatory Impact Assessments**

7. Except in the case of the changes relating to Acceptance of EASA permits to fly in article 4 and the other changes in article 15, a Regulatory Impact Assessment has been produced and a copy placed in the library of both Houses of Parliament. Copies may be obtained from the Department for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR. Alternatively copies can be obtained from the Department's website which is at [www.dft.gov.uk](http://www.dft.gov.uk).