
STATUTORY INSTRUMENTS

2009 No. 3015

The Air Navigation Order 2009

PART 24

Licensing of air traffic controllers

Prohibition of unlicensed air traffic controllers

177.—(1) Subject to paragraph (3) and article 179, a person must not act as an air traffic controller, or hold himself or herself out, whether by use of a radio call sign or in any other way, as an air traffic controller unless—

- (a) they hold and comply with the privileges and conditions of a licence specified in paragraph (2);
- (b) the licence contains a valid medical certificate; and
- (c) they have identified themselves in such a manner as may be notified.

(2) The licence referred to in paragraph (1)(a) is—

- (a) an appropriate air traffic controller's licence granted under this Order; or
- (b) an appropriate air traffic controller's licence granted in another Member State and recognised by the CAA in accordance with article 200.

(3) A person may act as an air traffic controller if that person holds a valid air traffic controller's licence granted under this Order which is not an appropriate licence if that person is supervised in the same manner as the holder of a student air traffic controller's licence.

(4) A licence is an appropriate air traffic controller's licence if it includes valid ratings, endorsements and certificates which authorise the holder of the licence to —

- (a) provide at the aerodrome or place the type of air traffic control service for the sector for which, or the operational position at which, it is being provided; and
- (b) use the type of surveillance equipment being used (if any).

Prohibition of unlicensed student air traffic controllers

178.—(1) Subject to article 179, a person must not act as a student air traffic controller, or hold himself or herself out, whether by use of a radio call sign or in any other way, as a student air traffic controller unless that person—

- (a) holds and complies with the privileges and conditions of a licence specified in paragraph (2);
- (b) the licence contains a valid medical certificate; and
- (c) has identified himself or herself in such a manner as may be notified.

(2) The licence referred to in paragraph (1)(a) is—

- (a) a valid student air traffic controller's licence granted under this Order; or

- (b) a valid student air traffic controller's licence granted in another Member State and recognised by the CAA in accordance with article 200.

Acting as an air traffic controller: exceptions

179.—(1) A licence is not required by any person who, acting in the course of their employment, passes on such instructions or advice as they have 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.

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

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

180.—(1) For the purposes of this Part and Schedule 10—

- (a) a person acts as an air traffic controller who either—
 - (i) provides an air traffic control service; or
 - (ii) supervises a student air traffic controller; or both; and
- (b) a person acts as a student air traffic controller who provides an air traffic control service under the supervision of an air traffic controller.

Grant of student air traffic controller's licences

181.—(1) The CAA must grant a student air traffic controller's licence authorising the holder to act as a student air traffic controller in the United Kingdom if it is satisfied that the applicant fulfils the requirements set out in paragraphs (2) and (3).

- (2) The requirements are that the applicant—
 - (a) subject to article 183, can speak and understand English to at least level 4 on the language proficiency rating scale;
 - (b) is the holder of a valid medical certificate;
 - (c) is at least 18 years of age;
 - (d) meets the educational standards specified in paragraph (3);
 - (e) has successfully completed approved initial training set out in Part A of Annex II of the air traffic controllers' directive; and
 - (f) is a competent person to act in the capacity to which the licence relates (and competency shall be assessed in accordance with paragraph (5)).
- (3) The educational standards are that the applicant—
 - (a) is the holder of a General Certificate of Secondary Education or an equivalent educational qualification;
 - (b) is the holder of any educational qualification which would enable the applicant to gain access to university or a similar educational institution; or
 - (c) has sufficient experience and education to give the applicant a reasonable prospect of completing air traffic control training.
- (4) A licence may be granted subject to such conditions as the CAA thinks fit.
- (5) Competency must be assessed by reference to the applicant's knowledge, experience and skills to act in the capacity to which the licence relates and for that purpose an applicant must provide

such evidence and undergo such examinations, assessments and tests and undertake such courses of training as the CAA may require.

Grant of air traffic controller's licence

182.—(1) Subject to paragraph (3), the CAA must grant an air traffic controller's licence authorising the holder to act as an air traffic controller in the United Kingdom if the applicant fulfils the requirements set out in article 181(2)(a) and (b) and paragraph (2).

- (2) The requirements are that the applicant—
- (a) is the holder of a student licence;
 - (b) subject to paragraph (3), is at least 21 years of age;
 - (c) has completed an approved unit training plan;
 - (d) has passed the appropriate examinations or assessments in accordance with the requirements set out in Part B of Annex II of the air traffic controllers' directive;
 - (e) is competent to be issued with a rating; and
 - (f) is a competent person to act in the capacity to which the licence relates.
- (3) In a duly justified case, a licence may be granted to a person of 20 years of age.
- (4) A licence may be granted subject to such conditions as the CAA thinks fit.

Language proficiency: additional requirements

183.—(1) The CAA may require the applicant to attain level 5 on the language proficiency rating scale where the operational circumstances of a particular rating or endorsement warrant a higher level of language proficiency for reasons of safety.

(2) The applicant must demonstrate language proficiency by providing to the CAA a certificate issued by an approved person stating the applicant's proficiency level in accordance with the language proficiency rating scale.

Language proficiency: ongoing requirements

184.—(1) Subject to paragraph (3), the CAA must ensure that it, or an approved person, assesses the English language proficiency of the holder of an air traffic controller's licence or a student air traffic controller's licence at regular intervals.

(2) Subject to paragraph (3), the interval at which the language proficiency of the holder of an air traffic controller's licence or a student air traffic controller's licence must be assessed must be no longer than—

- (a) three years for a licence holder who demonstrates proficiency in English language to level 4 on the language proficiency rating scale; and
- (b) six years for a licence holder who demonstrates proficiency in English language to level 5 on the language proficiency rating scale.

(3) Paragraphs (1) and (2) do not apply to a licence holder who has demonstrated proficiency in English language to level 6 on the language proficiency rating scale.

Particulars of licence

185.—(1) Subject to article 228, a student air traffic controller's licence remains in force for the period specified in the licence which shall not exceed two years.

(2) Subject to article 228, an air traffic controller's licence remains in force for the period specified in the licence, or, if no period is specified, for the lifetime of the holder.

(3) A licence may be renewed by the CAA from time to time if the CAA is satisfied that the applicant continues to satisfy, in the case of a student air traffic controller's licence, the requirements referred to in article 181(2)(a), (b), and (f) and, in the case of an air traffic controller's licence, the requirements in article 182(2)(e) and (f).

(4) A licence is not valid unless it has been signed by the holder in ink or indelible pencil and remains the property of the person to whom it is granted.

(5) 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 10 upon being satisfied that the applicant is qualified as specified in article 182(2)(d) to act in the capacity to which the rating or endorsement relates and such rating or endorsement is deemed to form part of the licence.

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

186.—(1) An air traffic controller's licence entitles the holder to—

- (a) exercise the privileges specified in paragraph 1 of Part A of Schedule 10; and
- (b) exercise the privileges of any rating or endorsement included in the licence as specified in Part B of that Schedule.

(2) A student air traffic controller's licence entitles the holder to exercise the privileges specified in paragraph 2 of Part A of Schedule 10.

On-the-job training instructor endorsement

187. An on-the-job training instructor endorsement must be granted to a holder of an air traffic controller's licence who—

- (a) has provided an air traffic service for the immediate preceding period of at least one year (or such longer period as the CAA may fix having regard to the ratings and endorsements for which instruction is given); and
- (b) has successfully completed an approved on-the-job training instructor course during which the required knowledge and pedagogical skills were assessed through appropriate examinations.

Maintenance of validity of ratings and endorsements

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

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

(2) A unit 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 relating to the matters set out in paragraph (1)(a) to (c) (a "relevant licence").

(3) A unit endorsement is valid for an initial period of one year.

(4) If an air navigation service provider demonstrates to the CAA or to the holder of a relevant licence that a licence holder—

- (a) has been exercising the privileges of the licence for at least the minimum number of hours set out in the unit competence scheme throughout the preceding 12 months;
- (b) has demonstrated competence in accordance with Part C of Annex II of the air traffic controllers' directive; and
- (c) holds a valid medical certificate,

the validity of a unit endorsement must be extended by the CAA or the holder of a relevant licence for a further 12 months.

(5) The minimum number of hours required to maintain the validity of the unit endorsement may be reduced for an on-the-job training instructor in proportion to the time spent instructing trainees on the working positions for which the extension is applied.

(6) If a unit endorsement ceases to be valid, in order to revalidate the endorsement, a licence holder must successfully complete a unit training plan to the satisfaction of the CAA or the holder of a relevant licence.

(7) The holder of a rating or rating endorsement who has not been providing air traffic control services associated with that rating or rating endorsement for a period of four years may only commence unit training in that rating or rating endorsement after the CAA or the holder of a relevant licence—

- (a) has assessed whether the person continues to satisfy the conditions of that rating or rating endorsement; and
- (b) is satisfied that any training requirements that result from this assessment have been successfully completed.

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

189.—(1) When a rating ceases to be valid for a sector or operational position the holder of the licence must—

- (a) inform the air navigation service provider responsible for that sector or position, and
- (b) if a rating ceases to be valid for a sector or operational position and is not valid for any other sector or operational position, notify the CAA and forward the licence to the CAA, or a person approved by the CAA who must endorse the licence accordingly and return it to the holder.

(2) A person who ceases to act as an air traffic controller at a particular unit must—

- (a) notify the CAA; and
- (b) forward their licence to the CAA or a person approved by the CAA who must endorse the licence accordingly and return it to the holder.

Air navigation service provider: maintenance of records

190. An air navigation service provider must keep records for every licence holder working in a unit of the hours worked in a sector, group of sectors or in a working position and must provide these records to the CAA on request.

Requirement for medical certificate

191.—(1) The CAA, or an approved medical examiner may, after carrying out an examination, issue a medical certificate, subject to such conditions as it thinks fit, if it considers that the applicant for, or holder of, a licence is fit to perform the functions to which the application or licence relates.

(2) The issue of a medical certificate must be consistent with the provisions of Annex I to the Chicago Convention and the Requirements for European Class 3 Medical Certification of Air Traffic Controllers laid down by the European Organisation for the Safety of Air Navigation (Eurocontrol)(1).

(3) The certificate is deemed to form part of the licence.

(4) A medical certificate is valid for—

(a) two years from the date of the medical examination in the case of an air traffic controller or student air traffic controller of up to (and including) the age of 40; and

(b) one year for an air traffic controller or student air traffic controller over the age of 40.

Incapacity of air traffic controllers

192.—(1) Every holder of an air traffic controller's licence or a student air traffic controller's licence who—

(a) suffers any personal injury or illness involving incapacity to undertake the functions to which their 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,

must inform their employer and the CAA as soon as possible.

(2) A medical certificate ceases to be valid on the expiry of the period of injury or illness referred to in paragraph (1)(a) and becomes valid 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

193. A person must not act as an air traffic controller or a student air traffic controller 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 drink or a drug

194.—(1) A person must not act as a student air traffic controller whilst under the influence of drink or a drug to an extent that would impair their capacity to act as such.

(2) Every holder of an air traffic controller's licence or a student air traffic controller's licence who is under the influence of any psychoactive substance or medicines which might render them unable to exercise the privileges of their licence safely and properly must inform their employer in writing as soon as possible.

Failing exams, assessments or tests

195. A person who, when last examined, assessed or tested for the purposes of this Part, 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.

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Use of simulators

196. No part of any examination, assessment or test undertaken for the purposes of this Part or Schedule 10 must be undertaken in a simulator unless that simulator has been approved by the CAA.

Approval of courses, persons and simulators

197. Without prejudice to any other provision of this Order the CAA may, for the purposes of this Part, 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 providers and mutual recognition of training certificates

198.—(1) A person must not provide training without being a certified training provider and unless the certificate relates to the training being provided.

(2) Where an applicant for certification has its principal place of operation and business in the United Kingdom it must submit its application to the CAA.

(3) The CAA must issue a training certificate to an applicant if it is satisfied that the applicant fulfils the requirements set out in paragraph 1 of Annex IV of the air traffic controllers' directive.

(4) A training certificate may —

- (a) relate to one or more types of training and one or more types of air navigation services, and
- (b) contain requirements placed on the training provider and be made subject to conditions.

(5) The training certificate must contain the information set out in paragraph 2 of Annex IV to the air traffic controllers' directive.

Certified training provider: production of records

199. A certified training provider 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 provider fulfils the requirements set out in paragraph 1 of Annex IV of the air traffic controllers' directive.

Mutual recognition of air traffic controller's licences

200.—(1) An application by the holder of an air traffic controller's or a student air traffic controller's licence issued by the national supervisory authority of another Member State to have the licence, rating, endorsement or medical certificate recognised by the CAA must be made in writing to the CAA.

(2) The CAA must recognise any—

- (a) licence and any associated rating;
- (b) rating endorsement;
- (c) language endorsement; and
- (d) medical certificate,

issued in accordance with the provisions of the air traffic controllers' directive by the national supervisory authority of another Member State if it is satisfied that the holder meets the requirements of the air traffic controllers' directive.

(3) The CAA must issue a certificate of recognition to the air traffic controller upon being satisfied as set out in paragraph (2).

(4) Following the issue of a certificate of recognition in respect of a licence granted by the national supervisory authority of another Member State, the CAA must, if requested to do so by the air traffic controller, issue an equivalent licence.

(5) An air traffic controller whose licence has been recognised by the CAA must make an application in writing to the CAA for approval of a unit training plan.

(6) The CAA must inform the applicant within six weeks of receipt of the application whether it approves the plan.

(7) When establishing the unit training plan referred to in paragraph (5), the training provider must take account of the competencies and experience of the licence holder.

(8) The CAA must provide information and assistance to the national supervisory authority of another Member State on request.

Definitions relevant to this Part and Schedule 10

201.—(1) In this Part and Schedule 10—

“approved” means approved by the CAA under article 197;

“language proficiency rating scale” means the language proficiency rating scale set in Annex III of the air traffic controllers' directive;

“on-the-job training instructor” means a person who holds an on-the-job training instructor endorsement;

“on-the-job training instructor endorsement” means the endorsement described in article 9 of the air traffic controllers' directive;

“rating” means the authorisation entered on and forming part of the licence as identified in paragraph (3) of Part B of Schedule 10;

“unit competence scheme” means a scheme indicating the method by which the unit maintains the competence of its licence holders;

“unit training plan” means a plan detailing the processes and timing required to allow the unit procedures to be applied to the local area under the supervision of an on-the-job training instructor; and

“valid medical certificate” means a medical certificate issued under article 191(1) or recognised by the CAA under article 200.

(2) A reference in this Part and in Schedule 10 to the holder of an air traffic controller's licence or a student air traffic controller's licence includes a reference to the holder of a licence which has been recognised by the CAA under article 200.

(3) The following expressions defined in article 2 of the air traffic controllers' directive have the same meaning when used in this Part and Schedule 10: ‘air traffic control service’, ‘air navigation service provider’, ‘language endorsement’, ‘rating endorsement’, ‘sector’ and ‘unit endorsement’.

(4) References in this Part and Schedule 10 to the provisions of articles 6 and 7 of, and the Annexes to, the air traffic controllers' directive are references to those provisions as amended from time to time.

