

**2010 No. 1226**

**CIVIL AVIATION**

**The Civil Aviation (Working Time) (Amendment) Regulations  
2010**

<i>Made</i>	- - - -	<i>8th April 2010</i>
<i>Laid before Parliament</i>		<i>9th April 2010</i>
<i>Coming into force</i>	- -	<i>28th June 2010</i>

The Secretary of State is a Minister designated for the purpose of section 2(2) of the European Communities Act 1972(a) in relation to measures relating to the organisation of working time(b).

Accordingly, the Secretary of State makes the following Regulations in exercise of the powers conferred by that section.

**Citation and commencement**

1. These Regulations may be cited as the Civil Aviation (Working Time) (Amendment) Regulations 2010 and they come into force on 28th June 2010.

**Amendments to the 2004 Regulations**

2.—(1) The Civil Aviation (Working Time) Regulations 2004(c) are amended as follows.

(2) For regulation 2 (scope), substitute—

“2. These Regulations apply to persons employed to act as crew members on board a civil aircraft flying for the purpose of—

- (a) public transport; or
- (b) the performance of a commercial air transport flight.”.

(3) In regulation 3 (interpretation)—

(a) after the definition of “collective agreement”, insert—

““commercial air transport flight” has the same meaning as in article 255(1) of the Air Navigation Order 2009(d);”;

---

(a) 1972 c.68. Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c.51) and section 3 of the European Union (Amendment) Act 2008 (c.7). By virtue of the amendment of section 1(2) of the European Communities Act 1972 by section 1 of the European Economic Area Act 1993 (c.51) regulations may be made under section 2(2) of the European Communities Act 1972 to implement obligations of the United Kingdom created or arising by or under the Agreement on the European Economic Area signed in Oporto on 2nd May 1992 (Cm 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1993 (Cm 2183).

(b) S.I. 1997/1174.

(c) S.I. 2004/756.

(d) S.I. 2009/3015, to which there is an amendment which is not relevant to these Regulations.

- (b) after the definition of “inspector”, insert—
  - ““local mean time” means the time to which a crew member is acclimatised for the purposes of a scheme;”;
- (c) omit the definition of “the purposes of public transport” and after the definition of “protection and prevention services or facilities”, insert—
  - ““public transport” is to be construed in accordance with the conditions set out in article 260(2) of the Air Navigation Order 2009 in relation to an aircraft that is flying on a public transport flight;”;
- (d) in the definition of “scheme”, for “article 72(1)(b) of the Air Navigation Order 2000”, substitute “article 145(1)(b) or 149(a) of the Air Navigation Order 2009”;
- (e) in the definition of “working time”—
  - (i) at the end of paragraph (b), delete “and”, and
  - (ii) at the end of paragraph (c), add—
    - ““and
    - (d) subject to regulation 9A, any period during which he is on standby;”.
- (4) In paragraph (6) of regulation 5, omit “and in this paragraph” to the end.
- (5) After regulation 9, insert—

**“Standby time**

**9A.**—(1) For the purpose of calculating the total annual working time under regulation 9(b), time spent by a crew member on standby is to count in full as working time except where paragraph (2) or (3) applies, when it is to count as half the time spent.

(2) This paragraph applies where the period of notice given by the employer to the crew member before the crew member must report for duty is at least 2 hours 15 minutes.

(3) This paragraph applies where time spent by the crew on standby—

- (a) is spent—
  - (i) at home,
  - (ii) in accommodation provided by the employer away from the place where the crew member is next required to report for duty, or
  - (iii) in other accommodation arranged by the crew member to stay in while temporarily deployed away from home; and
- (b) is between the hours of 10.00 pm and 8.00 am local mean time, and during that time the crew member—
  - (i) can take undisturbed rest, and
  - (ii) is not called upon to report for duty.”.

(6) In sub-paragraphs (a) and (b) of regulation 10(2), for “article 72 of the Air Navigation Order 2000”, in each case substitute “a scheme referred to in article 145(1) or 149 of the Air Navigation Order 2009”.

Signed by authority of the Secretary of State

8th April 2010

*Paul Clark*  
Parliamentary Under Secretary of State  
Department for Transport

## EXPLANATORY NOTE

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

These Regulations amend the Civil Aviation (Working Time) Regulations 2004 (S.I. 2004/756) (“the principal Regulations”).

*Regulation 2(2)* amends the scope of the principal Regulations to reflect the changes in terminology used in the Air Navigation Order 2009 (S.I. 2009/3015) (“the ANO”) in light of the coming into force of Annex III to EC Regulation 3922/91 (OJ No. L 373, 31.12.91, p.4), commonly referred to and defined in the ANO as “EU-OPS”. Accordingly, *regulation 2(3)(a)* and *(c)* inserts definitions of “commercial air transport flight” and “public transport”.

*Regulation 2(3)(b)* inserts a definition of “local mean time”, replacing that which was previously confined to regulation 5(6) of the principal Regulations.

*Regulation 2(3)(d)* and *(6)* updates some references to the ANO, and *regulation 2(4)* makes a consequential amendment.

*Regulation 2(3)(e)* amends the definition of “working time” to include a provision that, subject to the new regulation 9A, time spent on standby counts expressly as working time for the purposes of the principal Regulations.

*Regulation 2(5)* inserts new regulation 9A into the principal Regulations, which provides that whilst standby duty normally counts fully against the annual working time limit, in certain limited circumstances specified in regulation 9A(2) and (3), time spent on standby is to be counted as half the time actually spent. This aligns the working time requirements of the principal Regulations with the safety (flight time limitation) provisions contained in the Civil Aviation Authority’s guidance document known as CAP 371 (Safety Regulation Group - The Avoidance of Fatigue in Air Crews - 4th Edition Amendment 1/2004 issued on 16th January 2004).

Copies of CAP 371 can be obtained from the Civil Aviation Authority, CAA House, 45-59 Kingsway, London WC2B 6TE. Alternatively copies can be obtained from the CAA’s website which is at [www.caa.co.uk](http://www.caa.co.uk). or The Stationery Office at [www.tso.co.uk](http://www.tso.co.uk).

An impact assessment has been produced and a copy placed in both Houses of Parliament. Copies may be obtained from the Department for Transport, 76 Marsham Street, London SW1P 4DR. Alternatively copies can be obtained from the Department for Transport’s website which is at [www.dft.gov.uk](http://www.dft.gov.uk). The impact assessment is annexed to the Explanatory Memorandum which is available alongside these Regulations on the OPSI website at [www.opsi.gov.uk](http://www.opsi.gov.uk).

---

© Crown copyright 2010

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

---

STATUTORY INSTRUMENTS

---

**2010 No. 1226**

**CIVIL AVIATION**

The Civil Aviation (Working Time) (Amendment) Regulations  
2010

£4.00