

2014 No. 1888

CIVIL AVIATION

The Air Navigation (Amendment) (No. 2) Order 2014

Made - - - - *16th July 2014*

Laid before Parliament *23rd July 2014*

Coming into force - - *16th August 2014*

At the Court at Buckingham Palace, the 16th day of July 2014

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by section 60(1), (2)(b), (3)(h), (3)(n), (3)(q) and (4) of the Civil Aviation Act 1982^(a).

Her Majesty, by and with the advice of Her Privy Council, orders as follows:

Citation and Commencement

1. This Order may be cited as the Air Navigation (Amendment) (No. 2) Order 2014 and comes into force on 16th August 2014.

Functions to be exercised by the CAA

2.—(1) The Air Navigation Order 2009^(b) is amended as follows.

(2) After article 246 (competent authority) insert—

“Functions under the Basic EASA Regulation to be exercised by the CAA

246A.—(1) Subject to paragraph (2), the functions conferred on the United Kingdom by Article 14(4) of the Basic EASA Regulation^(c) are to be exercised by the CAA.

(2) The CAA must obtain the consent of the Secretary of State prior to granting any exemption in accordance with Article 14(4) which—

- (a) is repetitive; or
- (b) is for more than two months.

^(a) 1982 c. 16; to which there are amendments not relevant to this Order.

^(b) S.I. 2009/3015; amended by S.I. 2012/1751 and S.I. 2013/3169; there are other amendments to the instrument but none is relevant.

^(c) OJ L 79, 19.03.2008, p. 1; there have been amendments to this Regulation but none is relevant.

Functions under the EASA Aircrew Regulation to be exercised by the CAA

264B. The function conferred on the United Kingdom by Article 4(8) of the EASA Aircrew Regulation(a) is to be exercised by the CAA.”

Richard Tilbrook
Clerk of the Privy Council

(a) OJ L 311, 25.11.2011, p. 1; amended by Commission Regulation (EU) 245 of 13 March 2014 (OJ L 74, 14.03.2014, p. 33); there are other amendments but none is relevant.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the Air Navigation Order 2009 (the “ANO 2009”).

Article 2 inserts two new articles into the ANO 2009. Article 246A confirms the ability of the Civil Aviation Authority (“CAA”) to grant exemptions in unforeseen urgent operational circumstances or where there are operational needs lasting up to two months. In the case of repetitive exemptions or exemptions which will exceed two months the CAA may only grant such exemptions with the consent of the Secretary of State. Article 246B allows the CAA to authorise pilots to fly aircraft within the United Kingdom in certain meteorological conditions before they have complied with all the requirements of an instrument rating.

These functions are to be exercised by the CAA, as regards Article 246A, in accordance with Regulation (EC) No. 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No. 1592/2002 and Directive 2004/36/EC.

As regards Article 246B, these functions will be exercised in accordance with Commission Regulation (EU) No. 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No. 216/2008 of the European Parliament and of the Council.

A full regulatory impact assessment has not been produced for this order as no impact on the private or voluntary sectors is foreseen. An Explanatory Memorandum is available alongside the instrument on the website <http://www.legislation.gov.uk>.

© Crown copyright 2014

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.

£4.25

UK2014071716 07/2014 19585

<http://www.legislation.gov.uk/id/uksi/2014/1888>

ISBN 978-0-11-111850-4



9 780111 118504