

2014 No. 3302

CIVIL AVIATION

The Air Navigation (Amendment) (No. 4) Order 2014

<i>Made</i>	- - - -	<i>10th December 2014</i>
<i>Laid before Parliament</i>		<i>17th December 2014</i>
<i>Coming into force</i>		<i>10th January 2015</i>

At the Court at Buckingham Palace, the 10th day of December 2014

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by sections 60(1), (2)(b), (3)(c), (3)(e), (3)(f), (3)(g), (3)(h), (3)(m), (3)(n), (4), 61(1)(a) and 102 of the Civil Aviation Act 1982(a) and section 2(2) of the European Communities Act 1972(b).

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

PART 1

Preliminary

Citation, commencement and extent

1.—(1) This Order may be cited as the Air Navigation (Amendment) (No. 4) Order 2014 and comes into force on 10th January 2015.

(2) A provision in this Order which amends, applies or otherwise modifies an enactment or subordinate legislation has the same extent as that enactment or subordinate legislation.

Interpretation

2. In this Order, “the EASA Air Operations Regulation” means Commission Regulation (EU) No 965/2012 of 5th October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council(c).

(a) 1982 c.16. Section 60 was amended by the Aviation and Maritime Security Act 1990 (c. 31), section 47. Section 61 was amended by the Airports Act 1986 (c. 31), section 83(5) and Schedule 6, Part 2, any by the Aviation (Offences) Act 2003 (c.19), section 2. There are other amendments but none is relevant.

(b) 1972 c.68.

(c) O.J. No. L 296, 25.10.2012, p.1.

Review

- 3.—(1) The Secretary of State must from time to time—
- (a) carry out a review of Parts 2, 4, 10, 11, 13, 15, 16, 20, and 31 of the Air Navigation Order 2009^(a) as amended by this Order,
 - (b) set out the conclusions of the review in a report, and
 - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the EASA Air Operations Regulation is implemented in other Member States.
- (3) The report must in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by this Order,
 - (b) assess the extent to which those objectives are achieved, and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this article must be published before 10th December 2019.
- (5) Reports under this article are afterwards to be published at intervals not exceeding five years.

PART 2

Air Operations

4. The Air Navigation Order 2009 is amended as follows.
5. In article 11 (requirement for an EU-OPS air operator certificate), for “a commercial air transport flight” substitute “an A to A commercial air transport aeroplane operation”.
6. After article 11 insert—

“Requirement for a Part-CAT air operator certificate

11A. A person must not operate an aircraft registered in the United Kingdom on a commercial air transport operation otherwise than under and in accordance with the terms of a Part-CAT air operator certificate issued to the operator of the aircraft by the CAA.”.

7. In article 12 (requirement for and grant of national air operator’s certificate), for sub-paragraph (1)(b) substitute—

- “(b) a Part-CAT air operator certificate issued to the operator of the aircraft by the CAA; or
- (c) in the case of an A to A public transport flight by an aeroplane, an air operator certificate specified in sub-paragraphs (a) or (b) or an EU-OPS air operator certificate granted or issued to the operator of the aircraft by the CAA.”.

8. In article 13 (requirement for and grant of police air operator’s certificate), for sub-paragraph (4)(c) substitute—

- “(c) (i) a Part-CAT air operator certificate granted to the operator; and
- (ii) Part-CAT and Part-ORO as though the flight were a commercial air transport operation.”.

9. In article 14 (offering commercial air transport and public transport flights)—

- (a) for sub-paragraphs (a) and (b) of paragraph (1) substitute—

(a) S.I. 2009/3015, amended by S.I. 2012/1751 and S.I. 2014/2920. There are other amendments but none is relevant.

- “(a) in the case of a commercial air transport operation, a valid Part-CAT air operator certificate;
- (b) in the case of a public transport flight, a valid national air operator’s certificate or a valid Part-CAT air operator certificate; or
- (c) in the case of an A to A commercial air transport aeroplane operation, a valid Part-CAT air operator certificate or a valid EU-OPS air operator certificate.”; and
- (b) for sub-paragraph (2)(a) substitute—
 - “(a) the person being held out as offering such a flight has applied for a certificate which would authorise the flight in question in accordance with paragraph (1);”.

10. In article 15 (operational directives)—

- (a) for paragraphs (4) and (5) substitute—
 - “(3A) An operational directive may be revoked by the CAA,
 - (4) (a) An operational directive which applies to an EU-OPS operator in relation to an A to A commercial air transport aeroplane operation must be made subject to and in accordance with article 8 of the Technical Harmonisation Regulation.
 - (b) The CAA must revoke such an operational directive if it is found not to be justified under article 8(1) of the Technical Harmonisation Regulation.
 - (5) (a) An operational directive which applies to a Part-CAT operator in relation to a commercial air transport operation must be made subject to and in accordance with article 14(1) of the Basic EASA Regulation.
 - (b) The CAA must revoke such an operational directive if it is found not to be justified under article 14(3) of the Basic EASA Regulation.”; and
- (b) omit paragraph (6).

11. In article 25 (requirement for an approved maintenance schedule and a certificate of maintenance review for non-EASA aircraft), in paragraph (2), for “commercial air transport aeroplane or a public transport or” substitute “commercial air transport aircraft, a public transport aircraft or an”.

12. In article 35 (aircraft weight schedule), in paragraph (2), after “an EU-OPS aeroplane” insert “or a Part-CAT aircraft”.

13. In article 36E (subsequent issue of national airworthiness review certificate), in sub-paragraph (3)(b), for “commercial air transport aeroplane” substitute “commercial air transport aircraft”.

14. In article 36G (commercial air transport aeroplanes, public transport aircraft and non-military State aircraft)—

- (a) in the heading, for “Commercial air transport aeroplanes” substitute “Commercial air transport aircraft”; and
- (b) in paragraph (1), for “commercial air transport aeroplanes” substitute “commercial air transport aircraft”.

15. In article 36I (extension of a national airworthiness review certificate of an aircraft which is not in a controlled environment which has a maximum total weight authorised of 2730kg or less), in paragraph (2), for “commercial air transport aeroplane” substitute “commercial air transport aircraft”.

16. In article 36J (extension of a national airworthiness review certificate of other aircraft which are not in a controlled environment), in sub-paragraph (1)(b), for “commercial air transport aeroplane” substitute “commercial air transport aircraft”.

17.—(1) In article 37 (equipment of aircraft)—

- (a) for paragraphs (5) and (6) substitute—

“(4A) A direction under paragraph (4) may be revoked by the CAA.

(5) (a) A direction under paragraph (4) which applies to an aircraft operated by an EU-OPS operator in relation to an A to A commercial air transport aeroplane operation must be made subject to and in accordance with article 8 of the Technical Harmonisation Regulation.

(b) The CAA must revoke such a direction if it is found not to be justified under article 8(1) of the Technical Harmonisation Regulation.

(6) (a) A direction under paragraph (4) which applies to an aircraft operated by a Part-CAT operator in relation to a commercial air transport operation must be made subject to and in accordance with article 14(1) of the Basic EASA Regulation.

(b) The CAA must revoke such a direction if it is found not to be justified under article 14(3) of the Basic EASA Regulation.”;

(b) omit paragraph (7); and

(c) for paragraph (11) substitute—

“(11) EU-OPS aeroplanes and Part-CAT aircraft are not required by virtue of this Order to carry the equipment specified in Schedule 4.”.

18.—(1) In article 39 (radio communication and radio navigation equipment of aircraft)—

(a) in paragraph (2), for “paragraph (8)” substitute “paragraphs (8) and (10)”;

(b) for paragraphs (4) and (5) substitute—

“(3A) The CAA may revoke a direction under paragraph (3).

(4) (a) A direction under paragraph (3) which applies to an aircraft operated by an EU-OPS operator in relation to an A to A commercial air transport aeroplane operation must be made subject to and in accordance with article 8 of the Technical Harmonisation Regulation.

(b) The CAA must revoke such a direction if it is found not to be justified under article 8(1) of the Technical Harmonisation Regulation.

(5) (a) A direction under paragraph (3) which applies to an aircraft operated by a Part-CAT operator in relation to a commercial air transport operation must be made subject to and in accordance with article 14(1) of the Basic EASA Regulation.

(b) The CAA must revoke such a direction if it is found not to be justified under article 14(3) of the Basic EASA Regulation.”.

(c) omit paragraph (6); and

(d) for paragraph (10) substitute—

“(10) EU-OPS aeroplanes and Part-CAT aircraft are not required by virtue of this Order to carry the radio communication and radio navigation equipment specified in Schedule 5.”.

19. For article 40 (notified radio communication and radio navigation equipment to be carried by EU-OPS aeroplanes) substitute—

“Notified radio communication and radio navigation equipment to be carried on flights for the purpose of commercial air transport

40.—(1) This article applies to flights for the purpose of commercial air transport.

(2) Unless the requirements of paragraph (3) are satisfied, an operator must not operate an aircraft which is flying—

(a) under the Instrument Flight Rules; or

(b) under the Visual Flight Rules over routes that cannot be navigated by reference to visual landmarks.

(3) The requirements of this paragraph are satisfied if the aircraft is equipped with radio communication and navigation equipment in accordance with the notified requirements of air traffic services in the area of operation.”.

20. In article 41 (minimum equipment requirements), in paragraph (2), after “an EU-OPS aeroplane” insert “or a Part-CAT aircraft”.

21. In article 43 (flight crew required by aircraft registered in the United Kingdom), for paragraph (2) substitute—

“(2) This article does not apply to an EU-OPS aeroplane or a Part-CAT aircraft flying for the purpose of commercial air transport.”.

22. In article 49 (power to direct additional crew to be carried)—

(a) in paragraph (1) for “operated by him” substitute “that it operates”; and

(b) in paragraph (2) after “operator” insert “or a Part-CAT operator”.

23. In article 86 (pre-flight action by commander of aircraft other than EU-OPS aeroplanes)—

(a) in the heading for “other than EU-OPS aeroplanes” substitute “on private, aerial work or public transport flight”; and

(b) for paragraphs (1) and (2) substitute—

“(1) This article applies to the commander of any aircraft intending to commence a private flight, an aerial work flight or a public transport flight.

(2) Before taking off, a commander to whom this article applies must take all reasonable steps to be satisfied of the matters specified in paragraph (3).”.

24. For article 87 (commander to be satisfied that flight can be safely completed) substitute—

“Commander to be satisfied that flight can be safely completed

87.—(1) This article applies to the commander of any flying machine intending to commence a private flight, an aerial work flight or a public transport flight.

(2) Before taking off, a commander to whom this article applies must take all reasonable steps to be satisfied of the matters specified in paragraph (3).

(3) The matters referred to in paragraph (2) are that the flying machine is capable of safely taking off, reaching and maintaining a safe height and making a safe landing at the place of intended destination having regard to—

(a) the performance of the flying machine in the conditions to be expected on the intended flight; and

(b) any obstructions at the places of departure and intended destination and on the intended route.”.

25. In article 88 (passenger briefing by commander), for sub-paragraph (3)(b) substitute—

“(b) an aircraft in relation to a flight for the purpose of commercial air transport.”.

26. In article 93 (pilot to remain at controls and be secured in seat), in paragraph (1), for “an EU-OPS aeroplane flying on a commercial air transport flight” substitute “an EU-OPS aeroplane or a Part-CAT aircraft flying on a flight for the purpose of commercial air transport”.

27. For article 97 (commercial air transport and public transport flights at night or in Instrument Meteorological Conditions by aeroplanes with one power unit which are registered elsewhere than in the United Kingdom) substitute—

“A to A commercial air transport aeroplane operations and public transport flights by aeroplanes at night or in specified meteorological conditions

97.—(1) This article applies to any aeroplane which is—

- (a) registered elsewhere than in the United Kingdom;
 - (b) powered by one power unit only; and
 - (c) flying on an A to A commercial air transport aeroplane operation or a public transport flight.
- (2) An aeroplane to which this article applies must not fly—
- (a) at night; or
 - (b) when there is prevailing at the aerodrome of departure or forecast for the estimated time of landing at the aerodrome at which it is intended to land or at any alternate aerodrome—
 - (i) a cloud ceiling of less than 1000 feet; or
 - (ii) visibility of less than one nautical mile.”.

28. In article 103 (aeroplanes registered in the United Kingdom – public transport operating conditions and performance requirements)—

- (a) in paragraph (1), for “subpart F of EU-OPS” substitute “section 1 of Subpart C of Part-CAT”;
- (b) in paragraph (4), after “aeroplanes registered in the United Kingdom” insert “, which are neither EU-OPS aeroplanes nor Part-CAT aeroplanes,”; and
- (c) in paragraph (6), for “paragraph (7)” substitute “paragraph (8)”.

29. In article 104 (helicopters registered in the United Kingdom – public transport operating conditions and performance requirements), in paragraph (1), after “helicopters registered in the United Kingdom” insert “which are not Part-CAT helicopters”.

30. In article 112 (operation of radio in aircraft)—

- (a) in paragraphs (2) and (5) for “or by EU-OPS” substitute “, by EU-OPS or by Part-CAT”; and
- (b) in paragraph (7), for “below flight level 150” substitute “below transition altitude or 10,000 feet, whichever is higher,”.

31. In article 117 (functioning of exits - commercial air transport aeroplanes and public transport aeroplanes and helicopters), in the heading and in paragraph (1), for “commercial air transport aeroplanes” substitute “A to A commercial air transport aeroplanes”.

32. In article 118 (marking of exits - commercial air transport aeroplanes and public transport aeroplanes and helicopters), in the heading and in paragraph (1), for “commercial air transport aeroplanes” substitute “A to A commercial air transport aeroplanes”.

33. In article 119 (marking of break-in areas), in paragraph (1), insert at the end “other than Part-CAT aircraft”.

34. In article 121 (minimum navigation performance)—

- (a) in paragraph (1), at the beginning insert “Subject to paragraph (3),”; and
- (b) after paragraph (2) insert—

“(3) This article does not apply to an aircraft flying under and in accordance with an approval issued by the CAA under Subpart C of Part-SPA.”.

35. In article 122 (height keeping performance - aircraft registered in the United Kingdom)—

- (a) for paragraph (1) substitute—

“(1) Subject to paragraph (3), an aircraft registered in the United Kingdom must not fly in Reduced Vertical Separation Minimum airspace unless—

 - (a) it is equipped with height keeping systems which enable the aircraft to maintain the required height keeping performance capability; or
 - (b) it is otherwise authorised by the appropriate air traffic control unit.”; and

(b) after paragraph (2) insert—

“(3) This article does not apply to an aircraft flying under and in accordance with an approval issued by the CAA under Subpart D of Part-SPA.”.

36. For article 123 (height keeping performance - aircraft registered elsewhere than in the United Kingdom) substitute—

“Height keeping performance – aircraft registered elsewhere than in the United Kingdom

123.—(1) An aircraft registered elsewhere than in the United Kingdom must not fly in Reduced Vertical Separation Minimum airspace in the United Kingdom unless—

- (a) it complies with paragraph (2) or (3); or
- (b) it is otherwise authorised by the appropriate air traffic control unit.

(2) An aircraft complies with this paragraph if it is registered in an EASA Member, other than the United Kingdom, and it is flying under and in accordance with an approval issued by the competent authority of an EASA Member under Subpart D of Part-SPA.

(3) An aircraft complies with this paragraph if it is registered elsewhere than in an EASA Member and—

- (a) it is so equipped with height keeping systems as to comply with the law of the country in which the aircraft is registered in so far as that law requires it to be so equipped when flying in any designated airspace; and
- (b) the equipment is capable of being operated so as to enable the aircraft to maintain the height keeping performance notified for the airspace in which the aircraft is flying, and it is so operated.”.

37. In article 124 (area navigation and required navigation performance capabilities - aircraft registered in the United Kingdom)—

(a) in paragraph (1) for “Subject to paragraph (3)” substitute “Subject to paragraphs (3) and (4),”; and

(b) after paragraph (3) insert—

“(4) This article does not apply to an aircraft flying under and in accordance with an approval issued by the CAA under Subpart B of Part-SPA.”.

38. For article 125 (area navigation and required navigation performance capabilities - aircraft registered elsewhere than in the United Kingdom) substitute—

“Area navigation and required navigation performance capabilities - aircraft registered elsewhere than in the United Kingdom

125.—(1) Subject to paragraph (4), an aircraft registered elsewhere than in the United Kingdom must not fly in Required Navigation Performance airspace in the United Kingdom unless it complies with paragraph (2) or (3).

(2) An aircraft complies with this paragraph if it is flying under and in accordance with an approval issued by the competent authority of an EASA Member under Subpart B of Part-SPA.

(3) An aircraft complies with this paragraph if it is registered elsewhere than in an EASA Member and—

- (a) it is equipped with area navigation equipment so as to comply with the law of the country in which the aircraft is registered in so far as that law requires it to be so equipped when flying within designated required navigation performance airspace; and

- (b) the navigation equipment is capable of being operated so as to enable the aircraft to maintain the navigation performance capability notified for the airspace in which the aircraft is flying, and is so operated.

(4) Paragraphs (2) and (3) do not apply to an aircraft if—

- (a) the appropriate United Kingdom air traffic control unit, having been made aware of the lack of compliance, authorises the flight; and
- (b) the aircraft complies with any instructions the air traffic control unit may give.”.

39. In article 133 (carriage of weapons and of munitions of war – requirement for permission and for commander to be informed), for paragraph (1) substitute—

“(1) This article applies to any aircraft other than one flying for the purpose of commercial air transport.”.

40. In article 140 (smoking in aircraft), for paragraph (1) substitute—

“(1) In aircraft to which this paragraph applies, notices indicating when smoking is prohibited must be exhibited so as to be visible from each passenger seat

(1A) Paragraph (1) applies to any aircraft registered in the United Kingdom, other than a Part-CAT aircraft.”.

41. In article 144 (application and interpretation of Part 20)—

- (a) in paragraph (1) omit “either”;
- (b) at the end of sub-paragraph (1)(a) omit “or”;
- (c) at the end of sub-paragraph (1)(b) for the full stop substitute a semi-colon; and
- (d) after sub-paragraph (1)(b) insert—
 - “(c) a helicopter flying on a commercial air transport operation; or
 - (d) an aeroplane with a flight crew of one pilot flying for the purpose of commercial air transport.”.

42. For article 149 (fatigue of crew – EU-OPS operator’s responsibilities), substitute—

“Fatigue of crew – responsibilities of EU-OPS and Part-CAT operators

149.—(1) This article applies to an operator of an EU-OPS aeroplane or a Part-CAT aeroplane which—

- (a) is registered in the United Kingdom; and
- (b) has a flight crew of at least two pilots.

(2) An operator to which this article applies must not cause or permit an aircraft to fly for the purpose of commercial air transport unless—

- (a) the scheme for the regulation of flight times required under EU-OPS or Part-CAT has been approved by the CAA; and
- (b) the operator has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that aeroplane as a member of its crew.”.

43. In article 150 (documents to be carried), for paragraph (3) substitute—

“(3) Paragraph (2) does not apply to an EU-OPS aeroplane or a Part-CAT aircraft flying for the purpose of commercial air transport.”.

44. In article 156 (production of documents and records), in sub-paragraph (1)(c), after “article 150” insert “or an EASA Regulation(a)”.

(a) The definition of an EASA Regulation was introduced into the Order by S.I. 2012/1751.

45. In article 158 (power to inspect and copy documents and records), for “or under EU-OPS” substitute “, under EU-OPS or under an EASA Regulation”.

46. In article 226 (mandatory reporting of occurrences), in paragraph (5)—

- (a) in sub-paragraphs (b), (e) and (g), for “or an EU-OPS air operator certificate granted by the CAA” substitute “, an EU-OPS air operator certificate or a Part-CAT air operator certificate granted in either case by the CAA”; and
- (b) in sub-paragraph (c), for “commercial air transport aeroplane” substitute “commercial air transport aircraft”.

47. In article 232 (CAA’s power to prevent aircraft flying), in sub-paragraphs (2)(b) and (c), for “Part 21, 145 or M” substitute “an EASA Regulation”.

48. After article 232 insert—

“Grounded aircraft not to fly

232A. An aircraft which has been grounded in accordance with paragraph ARO.RAMP.140 of Part-ARO and which has not subsequently been permitted to fly must not be flown.”.

49. Omit articles 233 (power to prevent third-country aircraft taking off), 234 (notifying competent authority of the detention of a third-country aircraft) and 235 (revocation of article 233 direction when validity of certificate of airworthiness affected).

50. In article 239 (obstruction of persons), insert at the end “, under EU-OPS or under an EASA Regulation”.

51. In article 241 (offences and penalties), in paragraph (1), for “Part 21, Part 145, Part M” substitute “an EASA Regulation”.

52. In article 250 (application of Order to Crown), after “Subject to the provisions of this article” insert “and article 252”.

53. In article 255 (interpretation), in paragraph (1)—

(a) after the definition of “A Conditions” insert—

““A to A commercial air transport aeroplane” means an aeroplane flying, or intended by the operator to fly, on an A to A commercial air transport aeroplane operation;

“A to A commercial air transport aeroplane operation” means an aircraft operation—

- (a) by a performance class B aeroplane;
- (b) for the purpose of transporting passengers, cargo or mail for remuneration or other valuable consideration; and
- (c) starting and ending at the same place.

“A to A commercial air transport helicopter operation” means an aircraft operation—

- (a) by a non-complex helicopter;
- (b) for the purpose of transporting passengers, cargo or mail for remuneration or other valuable consideration; and
- (c) starting and ending at the same place;

“A to A public transport flight” means a flight for the purpose of public transport by an aircraft starting and ending at the same place;”;

(b) in the definition of “aerial work aircraft, for “commercial air transport aeroplane” substitute “commercial air transport aircraft”;

(c) for the definition of “commercial air transport aeroplane” substitute—

““Commercial air transport aircraft” means an aircraft flying, or intended by the operator to fly, for the purpose of commercial air transport;”;

- (d) for the definition of “commercial air transport flight” substitute—
 - ““Commercial air transport operation” means an aircraft operation for the purpose of transporting passengers, cargo or mail for remuneration or other valuable consideration which is required to be conducted under and in accordance with Part-CAT and Part-ORO but which is not an A to A commercial air transport aeroplane operation or an A to A commercial air transport helicopter operation;”;
- (e) after the definition of “EASA Continuing Airworthiness Regulation” insert—
 - ““EASA Member” means a Member State and any European third country which participates in EASA pursuant to Article 66 of the Basic EASA Regulation;”;
- (f) for the definition of “EU-OPS operator” substitute—
 - ““EU-OPS operator” means an operator that is required to operate under and in accordance with EU-OPS;”;
- (g) after the definition of “flight data monitoring programme” insert—
 - ““Flight for the purpose of commercial air transport” means a commercial air transport operation or an A to A commercial air transport aeroplane operation;”;
- (h) after the definition of “maximum approved passenger seating configuration” insert—
 - ““Maximum operational passenger seating configuration” means the maximum passenger seating capacity of an individual aircraft, excluding crew seats, established for operational purposes and specified in the operations manual;”;
- (i) after the definition of “night” insert—
 - ““Non-complex helicopter” means a helicopter certificated for a maximum take-off mass of 3175 kg or less, a maximum passenger seating configuration of nine or less and a minimum crew of one pilot;”;
- (j) after the definition of “Part-ARA” insert—
 - ““Part-ARO” means Annex II so entitled to the EASA Air Operations Regulation;
 - “Part-CAT” means Annex IV so entitled to the EASA Air Operations Regulation;
 - “Part-CAT aeroplane” means an aeroplane operated by a Part-CAT operator;
 - “Part-CAT aircraft” means an aircraft operated by a Part-CAT operator;
 - “Part-CAT air operator certificate” means an air operator certificate issued under Part-ARO authorising the holder to operate commercial air transport operations;
 - “Part-CAT helicopter” means a helicopter operated by a Part-CAT operator;
 - “Part-CAT operator” means an operator that is required to operate under and in accordance with Part-CAT;”;
- (k) after the definition of “Part-ORA” insert—
 - ““Part-ORO” means Annex III so entitled to the EASA Air Operations Regulation;
 - “Part-SPA” means Annex V so entitled to the EASA Air Operations Regulation;”;
- (l) after the definition of “performance class 3 operations” insert—
 - ““Performance class B aeroplane” means an aeroplane powered by propeller engines with a maximum operational passenger seating configuration of nine or fewer and a maximum take-off mass of 5,700 kg or less;”;
- (m) in the definition of “private aircraft” for “a commercial air transport aeroplane” substitute “a commercial air transport aircraft”;
- (n) in the definition of “private flight” for “an aerial work, public transport or commercial air transport flight” substitute “an aerial work flight, a public transport flight or a flight for the purpose of commercial air transport”; and
- (o) after the definition of “touring motor glider” insert—
 - ““transition altitude” means the altitude at or below which the vertical position of an aircraft is controlled by reference to altitudes;”.

54. In article 257 (meaning of operator), in paragraph (2), after “an EU-OPS air operator certificate” insert “, the holder of a Part-CAT air operator certificate”.

55. In article 260 (meaning of public transport)—

(a) for paragraphs (1) and (2), substitute—

“(1) For the purposes of this Order and subject to Part 34, an aircraft in flight is flying on a public transport flight if—

(a) it is an A to A commercial air transport helicopter operation; or

(b) the conditions specified in paragraph (2) are satisfied.

(2) The conditions referred to in paragraph (1) are—

(a) the flight is not a flight for the purpose of commercial air transport; and

(b) (i) valuable consideration is given or promised for the carriage of passengers or cargo in the aircraft on that flight; or

(ii) the flight is operated by the holder of a national air operator’s certificate, an EU-OPS air operator certificate or a Part-CAT air operator certificate and any passengers or cargo are carried gratuitously in the aircraft except for persons specified in paragraph (3) or cargo specified in paragraph (4).”; and

(b) in paragraph (3) for “or EU-OPS” substitute “, EU-OPS or the EASA Air Operations Regulation”.

56. In article 261 (application of Part), for “a commercial air transport flight” substitute “a flight for the purpose of commercial air transport”.

57. In Schedule 7 (flight crew of aircraft – licences, ratings, qualifications and maintenance of licence privileges), Part A (flight crew licences) Section 1 (United Kingdom licences)—

(a) in Sub-section 1 (aeroplane pilots), in the entry for Commercial Pilot’s Licence (Aeroplanes), for paragraph (6) substitute—

“(6) The holder may exercise the privileges specified in paragraph (5) only in an aeroplane which the holder is entitled to fly as pilot in command under the privileges set out in paragraph (1) or (2) of these privileges.”; and

(b) in Sub-section 2 (helicopter and gyroplane pilots)—

(i) in the entry for Private Pilot’s Licence (Helicopters), in sub-paragraph (2)(a), after “fly such a helicopter for the purpose of” insert “commercial air transport,”;

(ii) in the entry for Commercial Pilot’s Licence (Helicopters and Gyroplanes), in sub-paragraph (2)(a) and (2)(b), for “public transport flight” substitute “flight for the purpose of commercial air transport or public transport”;

(iii) in the entry for Commercial Pilot’s Licence (Helicopters)(a)—

(aa) for sub-paragraph (2)(a) substitute—

“(a) fly such a helicopter for the purpose of commercial air transport;

(aa) fly such a helicopter for the purpose of public transport unless it is certificated for single-pilot operation;”;

(bb) in sub-paragraph (2)(b) omit “commercial air transport or”; and

(iv) in the entry for Airline Transport Pilot’s Licence (Helicopters), for “the restriction at sub-paragraph (2)(a)” substitute “the restriction at sub-paragraph (2)(aa)”.

58. In Schedule 13 (penalties)—

(a) for Section 3 of Part A (provisions referred to in article 241(5)), substitute—

(a) The Commercial Pilot’s Licence (Helicopters) was introduced into the Order by S.I. 2012/1751.

“SECTION 3

<i>Provision of EU-OPS</i>	<i>Subject Matter</i>
1.335	Smoking on board
1.340	Meteorological conditions
1.345(b)	Commander not to take off unless external surfaces are clear
1.350	Fuel and oil supply
1.355	Take-off conditions
1.385	Use of supplemental oxygen
1.400	Approach and landing conditions
1.405(a), (d) and (e)	Commencement and continuation of approach
1.415	Requirement for journey log
1.455	Low visibility operations – operating procedures
1.460	Low visibility operations – minimum equipment
1.1135	Flight duty, duty and rest period records”;

(b) after Section 4 of Part A insert—

“SECTION 5

<i>Provision of EASA Air Operations Regulation</i>	<i>Subject Matter</i>
CAT.GEN.MPA.100(b)	Crew members’ reporting and compliance responsibilities
CAT.GEN.MPA.100(b)(4) and (5)	Flight duty, duty and rest period records
CAT.GEN.MPA.190	Provision of documentation and records
CAT.OP.MPA.245	Meteorological conditions
CAT.OP.MPA.250(b)	Commander not to take off unless external surfaces are clear
CAT.OP.MPA.260	Fuel and oil supply
CAT.OP.MPA.265	Take-off conditions
CAT.OP.MPA.285	Use of supplemental oxygen
CAT.OP.MPA.300	Approach and landing conditions
CAT.OP.MPA.305(b)	Commencement and continuation of approach
ORO.MLR.110	Requirement for journey log
SPA.LVO.125(b)	Low visibility operations-operating procedures
SPA.LVO.130(b)	Low visibility operations-minimum equipment”;

(c) in Section 1 of Part B (provisions referred to in article 241(6)), in the column headed “Subject Matter”, in the entry—

- (i) relating to “97”, for “public transport and commercial air transport flights” substitute “A to A commercial air transport aeroplane operations and public transport flights”; and
- (ii) relating to “103(1)”, for “subpart F of EU-OPS” substitute “section 1 of Subpart C of Part-CAT”;

(d) for Section 3 of Part B substitute—

“SECTION 3

<i>Provision of EU-OPS</i>	<i>Subject Matter</i>
1.085(f) 7, 8, 10, and 12	Responsibilities of commander

1.290(b)	Flight preparation by commander
1.310(a)1 and 2	Flight crew to remain at station
1.320	Crew and passengers to be secured
1.1225	Reporting of dangerous goods incidents and accidents”;

(e) after Section 3 of Part B, as substituted, insert—

“SECTION 4

*Provision of EASA Air Subject Matter
Operations Regulation*

CAT.GEN.MPA.105(a) (7), (8), (10) and (12)	Responsibilities of commander
CAT.GEN.MPA.195(a) to (e)	Preservation, production and use of flight recorder recordings
CAT.GEN.MPA.200(e)	Reporting of dangerous goods incidents and accidents
CAT.OP.MPA.175(b)	Flight preparation by commander
CAT.OP.MPA.210(a)(1) and (2)	Flight crew to remain at station
CAT.OP.MPA.225	Crew and passengers to be secured
SPA.PBN.100	Requirement for Performance Based Navigation approval
SPA.MNPS.100	Requirement for Minimum Navigation Performance Specification approval
SPA.RVSM.100	Requirement for Reduced Vertical Separation Minimum approval
SPA.LVO.100	Requirement for low visibility operations approval
SPA.ETOPS.100	Requirement for extended range operations approval
SPA.NVIS.100	Requirement for night vision imaging systems approval for helicopter operations
SPA.HHO.100	Requirement for helicopter hoist operations approval
SPA.HEMS.100	Requirement for helicopter emergency medical service operations approval”;

(f) in Section 1 of Part C (provisions referred to in article 241(7))—

(i) in the column headed “Subject Matter”, for the entry relating to “11”, substitute “Aeroplanes not to fly on A to A commercial air transport aeroplane operation without EU-OPS AOC”;

(ii) after the entry for article 11 insert—

“11A Aircraft not to fly on a commercial air transport operation except under a Part-CAT AOC”;

(iii) in the column headed “Subject Matter”, in the entry—

(aa) relating to “12(1)”, omit “national AOC or EU-OPS”;

(bb) relating to “13(4)”, for “an EU-OPS Air Operator Certificate” substitute “a Part-CAT air operator certificate”;

(cc) relating to “14(1)”, omit “national AOC or EU-OPS”;

(dd) relating to “149”, after “EU-OPS” insert “and Part-CAT”;

(iv) after the entry for article 232(3) insert—

“232A Grounded aircraft not to fly”;

(v) omit the entry for article 233;

(g) for Section 3 of Part C substitute—

“SECTION 3

<i>Provision of EU-OPS Subject Matter</i>	
1.065	Prohibition of carriage of weapons or munitions of war
1.085(d) 4 and 5	Crew member's obligation not to fly in dangerous state of fatigue
1.1090 paragraphs 1 to 3	Operator's obligations for flight and duty time limitations and rest scheme
1.1145	Operator to comply with Technical Instructions
1.1155(a)	Operator to hold approval to transport dangerous goods";

and

(h) after Section 4 of Part C insert—

“SECTION 5

<i>Provision of EASA Air Operations Subject Matter Regulation</i>	
CAT.GEN.MPA.155	Prohibition of carriage of weapons or munitions of war
CAT.GEN.MPA.100(c)	Crew member's obligation not to fly in dangerous state of fatigue
CAT.GEN.MPA.200	Operator to comply with Technical Instructions
SPA.DG.100	Operator to hold approval to transport dangerous goods”

PART 3

Aerodromes

59. The Air Navigation Order 2009 is further amended as follows.

60. In article 205(3) (air traffic service equipment), after “public use licence has been granted” insert “or at an EASA certified aerodrome”.

61. In article 207 (requirement to use licensed or Government aerodrome)—

- (a) in the heading, for “licensed” substitute “national licensed, EASA certified”;
- (b) in sub-paragraph (2)(a), for “an aerodrome licensed under this Order” substitute “a national licensed aerodrome which is licensed”;
- (c) after sub-paragraph (2)(a) insert—
 - “(aa) an EASA certified aerodrome which may under its certificate be used for the take-off and landing of such aircraft;”;
- (d) in sub-paragraph (3), for “licensed or notified” substitute “certified, licensed or notified”.

62. In article 208A (aerodromes – use for purposes of flying instruction and testing)—

- (a) in paragraph (1), for “is not a licensed aerodrome” substitute “is neither a national licensed aerodrome nor an EASA certified aerodrome”; and
- (b) in paragraph (2), for “not a licensed aerodrome” substitute “neither a national licensed aerodrome nor an EASA certified aerodrome”.

63. In article 211 (licensing of aerodromes)—

- (a) in paragraph (1), for “The CAA must grant a licence for any” insert “The CAA must grant a licence (“a national aerodrome licence”) for any non-EASA”;
- (b) for paragraph (2), substitute—
 - “(2) If the CAA grants a national aerodrome licence it may do so subject to such conditions as it thinks fit.

(2A) Subject to paragraph (2B) and article 228, a national aerodrome licence remains in force for the period specified in the licence.

(2B) A national aerodrome licence expires immediately in the event that an EASA aerodrome certificate is issued for the aerodrome.”;

- (c) in paragraphs (3), (4), and (5) for “an aerodrome licence holder” substitute “a national aerodrome licence holder”;
- (d) in paragraph (4) and sub-paragraph (11)(b), on each occasion that it occurs, for “the aerodrome licence” substitute “the national aerodrome licence”;
- (e) in paragraphs (8), (9) and (10) for “every aerodrome licence” substitute “every national aerodrome licence”; and
- (f) in sub-paragraph (11)(a), for “aerodrome licence holder” substitute “national aerodrome licence holder”.

64. After article 211 insert—

“Issue of aerodrome safety directives for national licensed aerodromes

211A.—(1) The CAA may issue a directive (“an aerodrome safety directive”) to a national aerodrome licence holder if it has determined the existence of an unsafe condition at a national licensed aerodrome which requires immediate action.

(2) An aerodrome safety directive must contain, as a minimum, the following information—

- (a) details of the unsafe condition;
- (b) the actions required and the rationale for requiring them; and
- (c) the time limit for compliance with the required actions.”.

65. In article 212 (public use licence), in paragraphs (1) and (3), on each occasion that it occurs, for “an aerodrome licence” substitute “a national aerodrome licence”.

66. In article 214 (use of aerodromes by aircraft of Contracting States and of the Commonwealth), omit “(whether or not the aerodrome is a licensed aerodrome)”.

67. In article 214A (powers of aerodrome firefighters in an emergency), in paragraphs (1), (2) and (3), for “a licensed aerodrome” substitute “a national licensed aerodrome or an EASA certified aerodrome”.

68. In article 215 (noise and vibration caused by aircraft on aerodromes), in paragraph (1), for “licensed aerodromes” substitute “national licensed aerodromes, EASA certified aerodromes”.

69. In article 218 (aeronautical lights), in sub-paragraph (1)(b), for “a licensed aerodrome” substitute “a national licensed aerodrome”.

70. In article 226 (mandatory reporting of occurrences), in sub-paragraph (5)(i), for “a licensed aerodrome” substitute “a national licensed aerodrome”.

71. In article 255(1) (interpretation)—

- (a) after the definition of “EASA” insert—

““EASA aerodrome certificate” means a certificate issued under the EASA Aerodromes Regulation;

“EASA Aerodromes Regulation” means Commission Regulation (EU) No 139/2014 of 12th February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council(a);”;

(a) OJ No. L 44, 14.2.14, p.1.

- (b) after the definition of “EASA certificate of airworthiness” insert—
““EASA certified aerodrome” means an aerodrome for which an EASA aerodrome certificate is in force;”;
- (c) omit the definition of “licensed aerodrome”;
- (d) after the definition of “multi-crew cooperation” insert—
““national aerodrome licence” means a licence granted under article 211;”;
- (e) after the definition of “national certificate of airworthiness” insert—
““national licensed aerodrome” means an aerodrome for which a national aerodrome licence is in force;”; and
- (f) after the definition of “night” insert—
““non-EASA aerodrome” means an aerodrome in relation to which the operator is not required to hold an EASA aerodrome certificate;”.

72.—(1) After Section 5 of Part A (provisions referred to in article 241(5)) of Schedule 13 (penalties), as inserted by article 58(b) of this Order, insert—

“SECTION 6

<i>Provision of EASA</i>	<i>Subject Matter</i>
<i>Aerodromes</i>	
<i>Regulation</i>	
ADR.OR.B.035(b)	Failure to return certificate after revocation or surrender
ADR.OR.B.060(a)	Failure to provide information, to notify changes or to comply with requirements or with provisions of aerodrome manual
ADR.OR.D.035	Failure to establish an adequate system of record keeping or to keep records”.

(2) In the Table in Section 1 of Part B (provisions referred to in article 241(6)) of Schedule 13—

- (a) in the entry in the column headed “Subject Matter” relating to “207”, for “licensed” substitute “national licensed, EASA certified”; and
- (b) after the row relating to article 211(7) to (10) insert the following row—

“211A Failure to comply with aerodrome safety directive for national licensed aerodrome”

(3) After Section 4 of Part B of Schedule 13, as inserted by article 58(e) of this Order, insert—

“SECTION 5

<i>Provision of EASA</i>	<i>Subject Matter</i>
<i>Aerodromes</i>	
<i>Regulation</i>	
ADR.OR.B.005	Uncertificated operation of an EASA aerodrome
ADR.OR.B.025(a)(1)	Failure to perform and document all required actions, inspections, tests, safety assessments or exercises
ADR.OR.B.030	Failure to comply with the scope and privileges defined in the terms attached to the aerodrome certificate
ADR.OR.B.040(c)	Failure to obtain prior approval for a change affecting the certificate or safety-critical aerodrome equipment or significantly affecting the aerodrome operator’s management system, failure to operate under the conditions prescribed during such changes
ADR.OR.C.015	Failure to grant access to any facility, document or other material relevant to the activity subject to certification or declaration
ADR.OR.C.025	Failure to implement mandated safety measures
ADR.OR.E.005	Failure to establish and maintain an aerodrome manual
ADR.OPS.B.055	Failure to verify that organisations involved in storing and dispensing

of fuel to aircraft have required procedures”.

(4) After Section 5 of Part C (provisions referred to in article 241(7)) of Schedule 13 (penalties), as inserted by article 58(h) of this Order, insert—

“SECTION 6

Provision of EASA Subject Matter

Aerodromes

Regulation

ADR.OR.C.030 Failure to report any accident, serious incident or occurrence or to report in the form and manner required or within the required time limit”.

Consequential amendments to legislation relating to the licensing of aerodromes

73. The Schedule to this Order has effect.

PART 4

Standardised European Rules of the Air

74. The Air Navigation Order 2009 is further amended as follows.

75. In article 160 (Rules of the Air)—

- (a) in each of paragraph (3) and (4), after “Rules of the Air” insert “, or for any obligation in SERA the breach of which would otherwise be an offence under this Order,”; and
- (b) in paragraph (5), after “Rules of the Air” insert “, or from any obligation in SERA the breach of which would otherwise be an offence under this Order,”.

76. In article 255(1)—

- (a) for the definition of “aerodrome control service” substitute—

““Aerodrome control service” means an air traffic control service to aerodrome traffic;”;
- (b) after the definition of “aerodrome operating minima” insert—

““Aerodrome traffic” means all traffic on the manoeuvring area of an aerodrome and all aircraft flying in the vicinity of an aerodrome and includes, but is not limited to, aircraft entering or leaving an aerodrome traffic circuit;

“Aerodrome traffic circuit” means the path to be flown by aircraft operating in the vicinity of an aerodrome under provision 3225(b) of SERA;”;
- (c) in the definition of “air/ground communications service”, for “give information to pilots of aircraft flying in the vicinity of an aerodrome” substitute “aerodrome traffic”;
- (d) for the definition of “air traffic control unit” substitute—

““Air traffic control unit” means a unit of air traffic controllers established by a person appointed by a person maintaining an aerodrome or other place in order to provide an area control service, an aerodrome control service or an approach control service;”;
- (e) for the definition of “area control service” substitute—

““Area control service” means an air traffic control service for flights subject to an air traffic control clearance in control areas;”;
- (f) for the definition of “cloud ceiling” substitute—

““Cloud ceiling” means the height above the ground or water of the base of the lowest layer of cloud below 6000m which, when visible from the aerodrome, is sufficient to obscure more than half the sky;”;
- (g) in the definition of “flight information service” for sub-paragraph (a)(ii) substitute—

- “(a) (ii) the grant or refusal of a permission under provision 8015 of SERA or under rule 40(b) or 41(2) of the Rules of the Air Regulations 2007(a); and”;
- (h) in the definition of “flight visibility” for “deck” substitute “cockpit”;
- (i) in the definition of “instrument flight procedure” for sub-paragraph (d) substitute—
“(d) an omnidirectional departure;”;
- (j) for the definition of “Instrument Flight Rules” substitute—
““Instrument Flight Rules” means Instrument Flight Rules prescribed by Section 5 of SERA;”;
- (k) for the definition of “manoeuvring area” substitute—
““Manoeuvring area” means that part of an aerodrome used for the take-off, landing and taxiing of aircraft, excluding the apron;”;
- (l) after the definition of “offshore service” insert—
““Omnidirectional departure” means a departure procedure that is designed on the basis that an aircraft maintains the runway direction until it reaches such a height that it can make a turn in any direction and maintain the obstacle clearance prescribed by the procedure;”;
- (m) for the definition of “precision approach” substitute—
““Precision approach” means an instrument approach using precision lateral and vertical guidance with minima as determined by the category of operation;”;
- (n) omit the definitions of “planned departure route” and “precision approach radar”;
- (o) after the definition of “self-sustaining glider” insert—
““SERA” means the Annex to the Standardised European Rules of the Air Regulation”;
- (p) for the definition of “special VFR flight” substitute—
““Special VFR flight” means a flight conducted in accordance with the Visual Flight Rules cleared by an air traffic control unit to operate within a control zone in meteorological conditions below Visual Meteorological Conditions;”;
- (q) after the definition of “SSEA” insert—
““Standardised European Rules of the Air Regulation” means Commission Implementing Regulation (EU) No 923/2012 of 26th September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010(b)”;
- (r) for the definition of “Visual Flight Rules” substitute—
““Visual Flight Rules” means visual flight rules prescribed by Section 5 of SERA;”.

77.—(1) In paragraph (5) of Schedule 4 (aircraft equipment), in relation to Scale C—

- (a) for sub-paragraph (1) substitute—
“(1) Equipment for displaying the lights required by provision 3215 of SERA”;
- (b) in sub-paragraph (3) for “Rule 61 of the Rules of the Air Regulations 2007” substitute “paragraphs 1, 2 and 3 of the Appendix to SERA”.

(2) In paragraph (5) of Schedule 4, in relation to Scale J, in sub-paragraph (2) for “Rule 61 of the Rules of the Air Regulations 2007” substitute “paragraphs 1, 2 and 3 of the Appendix to SERA”.

(a) S.I. 2007/734. There are amendments but none is relevant.

(b) O.J. No. L 281, 13.10.2012, p.1

78.—(1) In Part A (provisions referred to in article 241(5)), Section 1 of Schedule 13 (penalties), in the entry for article 160(5), after “from” insert “SERA or”.

(2) After Section 5 of Part B (provisions referred to in article 241(6)) of Schedule 13, as inserted by article 72(3) of this Order, insert—

“SECTION 6

<i>Provision of SERA</i>	<i>Subject Matter</i>
2005	Flight to be in accordance with rules of the air
2010(a)	Pilot-in-command to be responsible for the operation of the aircraft
3105	Aircraft not to be flown below minimum heights
3110	Aircraft to be flown at cruising levels
3135	Aircraft not to be flown in formation flights except under pre-arrangements made between the pilots-in-command
3140	Unmanned free balloons to be operated so as to minimise hazards
3145	Aircraft not to be flown in prohibited and restricted areas
3201	Pilot-in-command to be responsible for taking action to avoid collisions
3205	Aircraft not to be flown in such proximity as to cause a collision hazard
3210 (other than (d)(4)(i) and (ii))	Aircraft to comply with rules as to right of way
3215	Aircraft flying at night to display lights
3220	Aircraft not to be flown in simulated instrument flight unless fully functioning dual controls installed and a safety pilot carried on board
3225	Aircraft operating on or in the vicinity of an aerodrome to observe other aerodrome traffic and conform to the pattern of traffic at the aerodrome
3230	Aircraft conducting water operations to comply with rules for avoiding collisions
3301	Aircraft to comply with signals
4001	A flight plan to be submitted before specified categories of flight
4020	An arrival report to be made to the appropriate air traffic services unit after landing
5005 (other than (g))	Aircraft operated under Visual Flight Rules to be operated according to the specified Visual Flight Rules
5010	Additional conditions to be observed by aircraft when flying under special Visual Flight Rules in control zones
5015	Instrument Flight Rules – Rules to be complied with by aircraft when flying under Instrument Flight Rules
5020	Instrument Flight Rules – Rules to be complied with by aircraft when flying under Instrument Flight Rules within controlled airspace
5025	Instrument Flight Rules – Rules to be complied with by aircraft when flying under Instrument Flight Rules outside controlled airspace
6005	Aircraft operating in class E, F or G airspace”

(3) After Section 6 of Part C (provisions referred to in article 241(7)) of Schedule 13 (penalties), as inserted by article 72(4) of this Order, insert—

“SECTION 7

<i>Provision of SERA</i>	<i>Subject Matter</i>
2020	Problematic use of psychoactive substance
3101	Negligent or reckless operation of aircraft
11015(b)	Pilot-in-command of an aircraft to comply with instructions given by intercepting aircraft”

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE

Article 73

Consequential amendments to legislation relating to the licensing of aerodromes

Public Health Act 1961

1. In Schedule 4 to the Public Health Act 1961(a) (meaning of “the appropriate authority” in connection with the attaching of street lighting equipment to certain buildings), in the entry in the table relating to buildings forming part of licensed aerodromes, after “that Act” insert “, or authorised by a certificate under Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council”.

Customs and Excise Management Act 1979

2.—(1) Section 33 of the Customs and Excise Management Act 1979(b) (power to inspect aircraft, aerodromes, records, etc) is amended as follows.

(2) In subsection (3), after “navigation” insert “or authorised by a certificate under the Aerodromes Regulation”.

(3) After subsection (4) insert—

“(5) In this section “the Aerodromes Regulation” means Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council.”

Civil Aviation Act 1982

3.—(1) The Civil Aviation Act 1982(c) is amended as follows.

(2) In section 5 (duty of CAA to consider environmental factors when licensing certain aerodromes)—

(a) in the heading, after “licensing” insert “or issuing certificates for”;

(b) in subsection (1), after “licensing” insert “or certification”; and

(c) after subsection (2) insert—

“(2A) The reference in subsection (1) above to an aerodrome certification function of the CAA is a reference to any function falling to be carried out by the CAA under the Aerodromes Regulation with respect to the certification of aerodromes.”

(3) In section 38 (aerodrome charges: noise and emissions)(d), in subsection (7)—

(a) in the definition of “aerodrome authority”, after “Order” insert “or authorised by a certificate under the Aerodromes Regulation”; and

(b) in the definition of “charges”, after “licensed” insert “or authorised”.

(4) In section 39 (trespassing on licensed aerodromes)(e)—

(a) in the heading, after “licensed” insert “or authorised”; and

(a) 1961 (c. 64); Schedule 4 has been amended by S.I. 1971/719, article 4. There are other amendments but none is relevant.

(b) 1979 c. 2; there have been amendments to the Act but none is relevant.

(c) 1982 c.16.

(d) Section 38 was substituted by the Civil Aviation Act 2006 (c. 34), section 1.

(e) Section 39 has been amended the Anti-terrorism, Crime and Security Act 2001 (c. 24), section 83.

- (b) in subsection (1), after “Order” insert “or authorised by a certificate under the Aerodromes Regulation”.
- (5) In section 46 (power to exercise control over land in the interests of civil aviation)(a), after subsection (10)(d) (and before the “and”) insert—
- “(da) a person who holds a certificate under the Aerodromes Regulation authorising the operation of an aerodrome;”.
- (6) In section 47 (warning of presence of obstructions near licensed aerodromes)(b)—
- (a) in the heading, after “licensed” insert “or authorised”;
- (b) in subsection (1), after “licensed” insert “or authorised”; and
- (c) in subsection (10)—
- (i) at the appropriate place insert—
- ““authorised aerodrome” means any aerodrome for the time being authorised to operate by a certificate under the Aerodromes Regulation, but does not include any premises belonging to the Secretary of State;”;
- (ii) in the words following the definition of “proprietor of the aerodrome”, for the words from “the reference” to ““licensed aerodrome”” substitute “the references in the definitions of “authorised aerodrome” and “licensed aerodrome””.
- (7) In section 50 (power of entry for purposes of survey)(c), in subsection (1)(d)—
- (a) for “below) or” substitute “below),”;
- (b) after “Navigation Order” insert “or a person who holds a certificate under the Aerodromes Regulation authorising the operation of an aerodrome”.
- (8) In section 84 (provision by others of information for the CAA and Secretary of State)(d), in subsection (3), for the words from “requiring” to “furnish” substitute
- “requiring—
- (a) a person of any description specified in subsection (1) above, or
- (b) a person who holds a certificate under the Aerodromes Regulation authorising the operation of an aerodrome,
- to furnish”.
- (9) In section 105 (general interpretation)(e), in subsection (1), at the appropriate place insert—
- ““the Aerodromes Regulation” means Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council;”.

Road Traffic Regulation Act 1984

4. In Schedule 5 to the Road Traffic Regulation Act 1984(f) (buildings in relation to which a Secretary of State is the appropriate authority for the purposes of section 74), in the entry relating to buildings forming part of licensed aerodromes, after “that Act” insert “or authorised by a certificate under Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council”.

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- (a) Section 46 has been amended by the Transport Act 2000 (c. 38) section 36 and schedule 4, paragraphs 1 and 5. There are other amendments but none is relevant.
- (b) Section 47 has been amended but none of the amendments is relevant.
- (c) Section 50 has been amended by the Transport Act 2000 (c. 38), section 8. There are other amendments but none is relevant.
- (d) Section 84 has been amended by S.I. 1992/2992, regulation 23 and by S.I. 2009/41, regulation 33. There are other amendments but none is relevant.
- (e) There have been amendments to this section but none is relevant.
- (f) 1984 c. 27; paragraph 5 has been amended by S.I. 2002/2626.

Litter Control Areas Order 1991

5.—(1) Article 2(1) of the Litter Control Areas Order 1991(a) (land which may be designated as a litter control area) is amended as follows.

(2) For sub-paragraph (g) substitute—

“(g) land which is, or is part of, an aerodrome (other than an aerodrome operated by a relevant airport operator within the meaning of Part V of the Airports Act 1986(b)) where that aerodrome is—

(i) licensed under an Air Navigation Order as defined in and made under section 60 of the Civil Aviation Act 1982, or

(ii) authorised by a certificate in accordance with Commission Regulation (EU) No 139/2014 of 12th February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council.”.

Air Navigation (General) Regulations 2006

6.—(1) Regulation 11 of the Air Navigation (General) Regulations 2006(c) (noise and vibration caused by aircraft on aerodromes) is amended as follows.

(2) At the beginning insert “(1)”.

(3) After the paragraph (1) so formed insert—

“(2) In this regulation “licensed aerodromes” means aerodromes—

(i) licensed under an Air Navigation Order made under section 60 (Air Navigation Orders) of the Civil Aviation Act 1982; or

(ii) authorised by a certificate in accordance with Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council.”

(a) S.I. 1991/1325. The provision under which this order was made has been repealed in relation to England and Wales as a consequence of the Clean Neighbourhoods and Environment Act 2005 (c.16) section 20. Section 90 continues to apply in Scotland.

(b) 1986 c. 31; Part V was amended by the Civil Aviation Act 2012 (c. 19), section 76. There are other amendments none is relevant.

(c) S.I. 2006/601.

EXPLANATORY NOTE

(This note is not part of the Order)

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

Part 2 of this Order amends the 2009 Order to reflect the coming into force in the United Kingdom of Commission Regulation (EU) No 965/2012 of 5th October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council^(a) (the “EASA Air Operations Regulation”). The EASA Air Operations Regulation regulates commercial air transport operations by aeroplanes and helicopters. The 2009 Order is amended so as to disapply provisions which formerly applied to such operations.

Part 3 of this Order amends the 2009 Order to reflect the coming into force in the United Kingdom of Commission Regulation (EU) No 139/2014 of 12th February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council^(b) (the “EASA Aerodromes Regulation”). The 2009 Order is amended so as to disapply provisions which formerly applied to those aerodromes regulated under the EASA Aerodromes Regulation.

Part 4 of this Order amends the 2009 Order to reflect the coming into force in the United Kingdom of Commission Implementing Regulation (EU) No 923/2012 of 26th September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010^(c) (commonly known as the “SERA Regulation”).

Each Part of this Order contains amendments to the 2009 Order such that a breach of specified provisions of the EASA Air Operations Regulation, EASA Aerodromes Regulation and SERA Regulation constitutes a criminal offence.

Full impact assessments of the effect that each of Parts 2 and 3 of this instrument will have on the costs of business and the voluntary sector are available from the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR and are published with the Explanatory Memorandum alongside the instrument at www.legislation.gov.uk.

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(a) O.J. No. L 296, 25.10.2012, p.1.
(b) O.J. No. L 44, 14.2.14, p.1.
(c) O.J. No. L 281, 13.10.2012, p.1

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