

Safety Regulation Group

Licensing and Training Standards



COMMENT - RESPONSE DOCUMENT

RESPONSE TO THE CONSULTATION ON THE PROPOSAL TO AMEND THE AIR NAVIGATION ORDER 2009 TO ADDRESS THE EFFECTS OF THE EUROPEAN REGULATIONS FOR FLIGHT CREW LICENSING

ISSUE

Currently, the Air Navigation Order 2009 (“the ANO”) gives the legal provisions for the licensing of UK pilots for all categories of aircraft. Directly applicable European (EU) legislation is going to change the pilot licensing rules in Europe, including the UK, with effect from 8th April 2012. The legislation will affect the privileges of many existing licence holders and will specify how new licences may be obtained. The European Implementing Rules that are to be enacted will be directly applicable, binding in UK law and will replace and override the equivalent national aviation legislation in the ANO for the pilots of aircraft to which EU legislation applies.

When the European regulations come into force they will supplant some provisions of the ANO, but the ANO will still have to provide for some aspects of pilot licensing. In particular, the scope of the new regulations will exclude certain types and categories of aircraft that currently may be included in JAR-FCL licences. This will mean that it will not be possible to fly some aircraft using EASA licences; a national licence issued under the ANO will be needed. Consequently, there is a need to amend the ANO to be consistent with the European legislation and to enable the CAA to continue to administer flight crew licences appropriately.

CONSULTATION

The necessary amendments to be made to the ANO were identified earlier in 2011 and the proposed changes were consulted upon via the CAA website. The consultation was for 3 months, beginning in June 2011. During the consultation period 28 relevant comments were received. There were no objections to the amendment. The comments were related to: the addition of further changes; identification of errors in the amendment (or the existing ANO); and questions of clarification.

The comments are presented in the table below, together with the response to each. The column headed “Action” indicates where the comment has resulted in a change to the proposal. All agreed changes have been embodied into the proposed amendment.

C.J. Whittaker
Head of Licensing & Training Policy

October 2011

Civil Aviation Authority

Aviation House GE Gatwick Airport South West Sussex England RH6 0YR www.caa.co.uk

PROPOSAL TO AMEND THE AIR NAVIGATION ORDER FOR 8th APRIL 2012 IN RESPONSE TO EUROPEAN LEGISLATION
CONSULTATION COMMENT/RESPONSE DOCUMENT

No.	Reference	Comment	Response	Action
1	Article 3(2)	<p>Can you confirm that that there will be no change to the effect of ANO Article 3 (2) on hanggliders and paragliders?</p> <p>"A non-EASA glider may fly unregistered, and will be deemed to be registered in the United Kingdom for the purposes of articles 37, 39, 50, 86 and 87, on any flight which: (a) begins and ends in the United Kingdom without passing over any other country; and (b) is not for the purpose of public transport or aerial work other than aerial work which consists of instruction or testing in a club environment."</p> <p>Should "50" be replaced with "50A"?</p>	<p>There is no effect on foot launched aircraft.</p> <p>Comment accepted.</p>	<p>Change proposal to amend the Article 3(2) reference to Article 50.</p>
2	Article 59 (2)	<p>Can you confirm that that there will be no change to the effect of ANO Article 59(2) on hanggliders and paragliders?</p> <p>"A person may act as a member of the flight crew of a glider without being the holder of an appropriate licence if the flight is: (a) a private flight; or (b) for the purpose of aerial work which consists of instruction or testing in a club environment</p>	<p>There will be no change to Article 59. Article 50(A)(1) confirms that Article 59 still applies to non-EASA aircraft.</p> <p>There is no effect on foot-launched aircraft.</p>	<p>None</p>
3	Article 50 A	<p>The proposed Article 50A states that a person must not act as flight crew of a non EASA aircraft registered in the UK without holding an appropriate licence.</p>	<p>The proposed amendment does not have any effect on non-EASA gliders, including self-propelled hanggliders or foot-launched powered</p>	<p>Amend Article 3 reference - see 1 above.</p>

No.	Reference	Comment	Response	Action
		<p><i>50A (1) Subject to paragraph (2) and the exceptions set out in articles 52-60 a person must not act as a member of the flight crew on a non-EASA aircraft registered in the United Kingdom without holding an appropriate licence granted or rendered valid under this order.</i></p> <p>There are some seven thousand hang glider, paraglider, parascender, ultralight sailplane and SPHG pilots, all with their own non-EASA aircraft based and operating within the UK, who do not need a flight crew licence. So the key word here is 'registered' – as there is no requirement to register these aircraft.</p> <p>Checking CAP393 Part 1 Registration and Marking of Aircraft it states:</p> <p><i>(2) A non-EASA glider may fly unregistered, and will be deemed to be registered in the United Kingdom for the purposes of articles 37, 39, 50, 86 and 87, on any flight which:</i></p> <p>So – for the purposes of article 50 these hang gliders etc are deemed to be 'registered'. And the new 50A says that the pilot of a registered aircraft must hold a licence.</p> <p>So it appears that IN-2011/45 will have the effect of accidentally rendering hang gliding and paragliding etc illegal /impossible.</p> <p>At the moment the best fix I can think of is removing the reference to article '50' from the Registration and Marking of Aircraft statement. But maybe the best option would be a clear statement somewhere (50A (3)?) that for non EASA gliders no flight crew licence is required.</p> <p>I am also concerned that the term 'non EASA glider' seems to be ill-defined. It does not seem very clear that the UK 'self-propelled hang gliders' are part of this group of aircraft.</p>	<p>parachutes.</p> <p>Article 3 should be amended to refer now to Article 50A - i.e. non-EASA aircraft.</p> <p>Article 50A is subject to the exceptions of Articles 52-60. This includes Article 59 which is the exception for gliders (including foot-launched aircraft) as it is today.</p> <p>As amended Article 3 will continue to mean that non-EASA gliders do not have to be registered, but will be considered registered for Article 50A. Article 50A then says that article 59 applies to non-EASA aircraft; and article 59 covers the hang glider, paraglider, parascender, ultralight sailplane and SPHG as it has previously.</p> <p>Article 255 defines a "Non-EASA aircraft" and that it is to be similarly construed for non-EASA glider.</p> <p>The status of powered handgliders under the ANO has always been a little difficult to interpret, but as this amendment must be kept to essential changes only, it has been decided not to attempt to redefine them and the rules that apply to them in this amendment.</p>	<p>Article 50A has subsequently been revised to rationalise other changes.</p>

No.	Reference	Comment	Response	Action
4	Article 61	<p>In the proposed Amendment to Article 61, the text refers to “Article 4.1(d) of the EASA Basic Regulation”. Is this a typo, where 4.1(c) was meant? EASA FCL Article 3 says</p> <p>“Without prejudice to Article 7, pilots of aircraft referred to in Article 4(1)(b) and (c) and Article 4(5) of Regulation (EC) No 216/2008 shall comply with the technical requirements and administrative procedures laid down in Annex I.”</p> <p>...ie. EASA FCL does not apply to aircraft referred to in the Basic Regulation 4.1(d)?</p>	The amended Article 61 should refer to 4.1(c)	Article 61 has been re-written and Article 61A added. These revisions address this issue.
5	Schedule 7 Part A Schedule 7 Part A section 2 Schedule 7 Part B Section 1	<p>1. Item 34, 49 and 54:</p> <p>Currently, both UK PPL(A) and JAR-FCL PPL(A) privileges are restricted as follows: The holder may not— (a) unless the licence includes an instrument rating (aeroplane) or an instrument meteorological conditions rating (aeroplanes), fly as pilot in command of such an aeroplane— (i) on a flight outside controlled airspace when the flight visibility is less than three km; (ii) on a special VFR flight in a control zone in a flight visibility of less than 10 km except on a route or in an aerodrome traffic zone notified for the purpose of this subparagraph; or (iii) out of sight of the surface;</p> <p>Under the proposal of Item 34, when a PPL holder is flying a non-EASA aircraft using the privileges of a United Kingdom PPL, he/she will continue to be restricted as above unless the licence</p>	Comment 1 is noted: EASA Part-FCL applies less restrictive limits to PPL privileges than were previously applied to UK licence holders. But the wording of the ANO will have no effect on this.	No change to the proposed amendment.

No.	Reference	Comment	Response	Action
		<p>includes an IR(A) or IMCR (as per Item 54). However, Item 49 removes Section 2 (JAR-FCL licences) from the ANO, so that <i>any</i> EASA part-FCL PPL(A) holder will cease to be restricted as above, because only the provisions of Rule 28 will apply in respect of Visual Flight Rules. But, since the Authority also intends to permit EASA Part-FCL PPL(A) holders to exercise privileges on non-EASA aeroplanes, it follows that a pilot would not be restricted as above if flying a non-EASA aeroplane using a part-FCL PPL(A), but would be if flying the identical aeroplane using a United Kingdom PPL(A).</p> <p>This anomaly would seem to have arisen as a result of EASA's failure to incorporate the provisions of JAR-FCL 1.175(b). It will, however, result in EASA Part-FCL PPL(A) holders being legally permitted to fly in worse weather than hitherto - hardly a safety improvement.</p> <p>Non-UK JAR-FCL PPL(A) holders were not subject to the same restrictions as UK JAR-FCL PPL(A) holders; perhaps this is another reason why our safety record is better than the safety record of France, for example? The prospect of 45 hour part-FCL PPL pilots, perhaps with passengers, finding themselves caught out above overcast cloud without any safe avenue of escape does not fill me with a warm feeling. Until the Authority and EASA find a way of retaining the privileges of the UK IMCR in the EASA part-FCL environment, there would appear to be no obvious solution to this obvious safety risk.</p> <p>2. Rule 20.</p> <p>Under Rule 20, in the United Kingdom an aircraft flying at night shall be flown under IFR unless on a SVFR flight in a CTR. Whilst JAR-FCL 1.175(b) made provision for pilots without Instrument Ratings being permitted to fly under IFR in VMC conditions, no such provision is available under EASA part-FCL - which, under FCL.600 requires that operation of an aircraft under IFR requires the pilot to hold an IR. However, in FCL.810,</p>	<p>Comment 2.</p> <p>This matter is under review by Licensing & Training Standards and Flight Operations Divisions within the CAA. There is no opportunity to amend the Aircrew Regulation before it comes into force to make the change suggested to Part-FCL.</p>	<p>No change to the proposed amendment.</p>

No.	Reference	Comment	Response	Action
		<p>part-FCL <i>does</i> make reference to exercising the privileges of a LAPL or PPL 'in VFR conditions at night'. There are a considerable number of PPL holders with night qualifications who, under part-FCL, will be prevented from exercising their licence privileges at night unless either:</p> <p>A suitable amendment is made to the ANO, permitting night VFR flight; or</p> <p>An exemption to EASA part-FCL.810 is raised. Once again, this situation has arisen due to the failure of EASA to include the provisions of JAR-FCL 1.175(b) in part-FCL. Incidentally, at the recent EASA part-FCL Policy Group meeting, the Netherlands CAA stated that, even though part-FCL permits 'night VFR', the Netherlands will continue to require that all night flying in their airspace shall be under IFR, which will require the pilot to hold an IR.</p> <p>In conclusion, if pressure can be brought to bear to re-introduce the provisions of JAR-FCL 1.175(b) into EASA part-FCL, many of the problems which would otherwise face PPL holders in the UK would simply disappear.</p>	<p>It is also necessary to take account of the Single European Rules of the Air that are expected to come into force in the foreseeable future and will replace the UK Rules of the Air in the ANO.</p> <p>A general exemption to the UK Rules of the Air is being actively considered as an interim solution to this pending the implementation of the European Rules of the Air</p>	
6	Article 61	<p>Comments on Article 61 Draft</p> <ol style="list-style-type: none"> 1. Is it not the case that Para (1) should not apply to non-EASA aircraft? Non-EASA Aircraft are not subject to the Basic Regulation Article 4.1(c), since Article 4.4 states "Paragraph 1 shall not apply to aircraft referred to in Annex II" 2. There looks to be a discrepancy between the definition of an "EASA aircraft" in the ANO and the FCL FAQ published by 	<ol style="list-style-type: none"> 1. Non-EASA aircraft are included here because Article 4.5 of the Basic EASA Regulation imposes the requirement for a Part-FCL licence on some non-EASA aircraft if they are used for the purpose of Commercial Air Transport. 2. The FAQs were based on a pre-consultation proposal to amend 	<p>The proposed text of Article 61 and 61A will be replaced with the following:</p> <p><u>Requirement for appropriate licence to act as member of flight crew of non-EASA aircraft registered elsewhere than in the United Kingdom</u></p> <p><u>61 (1) A person must not act as a member of the</u></p>

No.	Reference	Comment	Response	Action
		<p>the CAA. We believe the applicable definition is the latter one, ie. that an "EASA aircraft" is one which, if registered in an EASA state, would require an EASA airworthiness certificate etc.</p> <p>3. The wording of Para (1) strikes us as being slightly askew in terms of defining a required flight crew member. The requirement for the flight crew to be carried in an aircraft is not specified in EASA FCL. It is specified in the Type Certificate and Flight Manual, plus any requirements imposed by EASA OPS and Op Secs?</p> <p>4. Para (1) seems to include two cases: that of a non-UK aircraft registered in an EASA country, and that of a non-UK aircraft registered in a 3rd country. In the former case, para (1)(a) should not apply – EASA FCL does not permit a non-EU citizen to operate an EASA-registered aircraft without an EASA FCL Licence. In the latter case (that of an aircraft registered in a 3rd country), para 1(a) does not accurately reflect both Basic Regulation Article 4.1(c) and EASA FCL Article 3, which states that "pilots of aircraft referred to in Article 4(1)(b) and (c) and Article 4(5) of Regulation (EC) No 216/2008 shall comply with the technical requirements and administrative procedures laid down in Annex I.". The critical factor is the residency of the operator, as per 4.1(c). If the operator of a 3rd country aircraft is resident in the EU, then, when operated in the EU, the crew must hold FCL licences – even if they are not EU resident. Conversely, if the operator is not resident in the EU, then a required crew member need not hold an EASA FCL Licence, even if that crew member is resident in the EU. Of course, this raises the question of what defines an "Operator", in the less obvious case of the various structures under which a Private aircraft may be operated. The only European definition I am aware of is in the Basic Regs Article 3(h): " 'operator' shall mean any legal or natural person, operating or proposing to operate one or</p>	<p>the ANO definition which was not proceeded with. The FAQs have now been amended.</p> <p>3. Agreed. Paragraph 1 should refer to the Basic EASA Regulation.</p> <p>4. Article 4.6 of the Basic Regulation provides that "This Regulation shall not affect the rights of third countries as specified in international conventions, in particular the Chicago Convention" [see in particular article 33 of the Convention] However, Article 3 of the proposed Aircrew Regulation only refers (by way of qualification) to Article 7 of the same Regulation (Conditions for the acceptance of licences from third countries). Article 7.6(e) of the Basic Regulation also provides "without prejudice to the provisions of bilateral agreements concluded in accordance with Article 12, the conditions for the acceptance of licences from third countries" ("acceptance" here means "validation") - see Annex III of the FCL Regulation.</p>	<p><i>flight crew which must by or under this Order be carried in a non-EASA aircraft registered in a country other than the United Kingdom unless–</i></p> <p><i>(a) subject to paragraph (2), in the case of a non-EASA aircraft flying for the purpose of commercial air transport, public transport or aerial work, that person is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or the State of the operator; or</i></p> <p><i>(b) in the case of a non-EASA aircraft on a private flight, that person is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or under this Order and the CAA does not give a direction to the contrary.</i></p> <p><i>(2) Subject to paragraph</i></p>

No.	Reference	Comment	Response	Action
		<p>more aircraft". The definition of Operator in the ANO is somewhat different, but I think the definition applying in Article 61 will need to be in the EASA sense of Operator.</p> <p>DRAFT PROPOSAL OF ALTERNATIVE TEXT</p> <p>The best draft proposal we could come up with so far is the one below, which also includes the Foreign-Registered aircraft derogation, as per #26 of your FCL FAQ</p> <p><i>Article 61(replaces existing para (1))</i></p> <p><i>(1) In United Kingdom airspace, a person must not act as a required member of the flight crew of an EASA aircraft which is registered in an EU Member State unless that person is qualified to do so in accordance with the EASA Flight Crew Licensing regulation</i></p> <p><i>(2) After April 7th 2014, in United Kingdom airspace, a person must not act as a required member of the flight crew of an EASA aircraft registered in a Third country and</i></p> <p><i>(a) used by an operator for which any Member State ensures oversight of operations, or</i></p> <p><i>(b) used by an operator established or residing in the European Community</i></p> <p><i>unless that person is qualified to do so in accordance with the EASA Flight Crew Licensing regulation</i></p> <p><i>(3) For the purposes of Paras (1) and (2), an EASA aircraft is defined as any aircraft not referred to in Annex II of Regulation (EC) No 216/200, with the exception that aircraft referred to in Annex II (a)(ii), (d) and (h),when used for commercial air transportation, shall be treated as EASA aircraft</i></p> <p><i>[existing Para (2): no comment at present]</i></p>	<p>Therefore ANO Article 61(1)(a) as proposed is correct in its requirements as to residency of both the licence holder and operator. The definition of operator is not relevant as the EASA definition leaves open the question of what "operating" means.</p> <p>If this interpretation is incorrect it would mean that, e.g. a US resident pilot flying a US registered aircraft (that was an EASA aircraft) for a US airline into the UK would have to hold a validated FAA licence under Annex III and after the validation had expired, an EASA licence. That is clearly not what is intended and this is confirmed by the terms of Annex II of the Aircrew Regulation which states: "Pilots shall apply to the competent authority of the Member State <u>where they reside or are established, or, if they are not residing in the territory of the Member States, where the operator for which they are flying or intend to fly has its principal place of business.</u>"</p> <p>Taking account of the above and the suggested alternative text, this Article will be amended.</p>	<p><u><i>(3), paragraph (1)(a) does not apply to a person who is a member of the flight crew of a non-EASA aircraft that is referred to in paragraphs (a) (ii), (d) or (h) of Annex II of the Basic EASA Regulation if it is flying for the purpose of a commercial air transport flight.</i></u></p> <p><u><i>(3) A person may act as a flight radiotelephony operator, a flight engineer or a flight navigator of such an aircraft as is referred to in paragraph (2) if that person holds an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or the State of the operator.</i></u></p> <p><u>Requirement for appropriate licence to act as member of flight crew of EASA aircraft or non-EASA aircraft referred to</u></p>

No.	Reference	Comment	Response	Action
				<p><u>in paragraphs (a) (ii), (d) or (h) of Annex II of the Basic EASA Regulation that is flying for the purpose of a commercial air transport flight and in either case registered elsewhere than in the United Kingdom</u></p> <p>61A (1) A person must not act as a member of the flight crew which must by or under the EASA Aircrew Regulation be carried in—</p> <p>(a) <u>an EASA aircraft which is registered in a country other than the United Kingdom; or</u></p> <p>(b) <u>a non-EASA aircraft that is referred to in paragraphs (a) (ii), (d) or (h) of Annex II of the Basic EASA Regulation if is flying for the purpose of a commercial air transport flight and which is registered in a country other than the United Kingdom, unless paragraphs 2 or 3 apply</u></p> <p>(2) <u>This paragraph applies if the operator of the aircraft</u></p>

No.	Reference	Comment	Response	Action
				<p><u>is not resident or established in the European Union, and the person acting as a member of the flight crew is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or the State of the operator.</u></p> <p><u>(3) This paragraph applies if the person is the holder of an appropriate licence converted, granted or rendered valid under the EASA Aircrew Regulation.</u></p>
7	Article 50	<p>This article states that, “A person must not act as a member of the flight crew of an EASA aircraft that is registered in the UK without an appropriate licence granted ... under the EASA Flight Crew Licensing Regulation.”</p> <p>Why the reference to the UK? Surely it should apply to any EASA aircraft registered in any member state of the EU, or any state adopting EASA regulations.</p>	<p>Article 50 of the ANO is intended only to address the licences required for UK registered aircraft. Article 61 addresses aircraft that are registered elsewhere.</p> <p>The validity of an EASA licence in other EU States is addressed by the EASA regulations and the national legislation of those States</p>	No change.
8	Article 52 (a)	<p>Minimum age to fly solo: “ the person is at least 16 years of age:”</p> <p>This unchanged paragraph is at variance with EASA FCL.020 (b) (2) that states, “in the case of sailplanes and balloons: 14 years of age</p>	<p>Accepted. EU Regulations have lowered the age for solo flight in EASA sailplanes and EASA balloons; the EASA aircraft are a very large percentage of each fleet. The minimum age to fly a non-EASA</p>	<p>Amend Article 52/(2)(A) to read: “(a) the person shall be at least 16 years of age, <u>unless the aircraft is a balloon or glider, in</u></p>

No.	Reference	Comment	Response	Action
			glider or balloon should match this.	<u>which case the person must be at least 14 years of age;</u>
9	Art 73A (c)	<p>The draft regulation for Part-MED that is part of Opinion 07/2010 (14/12/2010) covers retention of medical records as follows. The opinion is available at: "http://easa.europa.eu/agencymeasures/docs/opinions/2010/07/Draft%20Opinion%20Part-MED.pdf"</p> <p>MED.A.025 Obligations of AeMC, AME, GMP and OHMP (c) AeMCs, AMEs, GMPs and OHMPs shall maintain records with details of medical examinations and assessments performed in accordance with this Part and their results in accordance with national legislation.</p> <p>The validity of GMP issued certificates is up to 5 years as stated in:</p> <p>MED.A.045 Validity, revalidation and renewal of medical certificates (a) (4)</p> <p>LAPL medical certificates shall be valid for a period of:</p> <p>(i) 60 months until the licence holder reaches the age of 40. A medical certificate issued prior to reaching the age of 40 shall cease to be valid after the licence holder reaches the age of 42; Retention of records for 10 years after certificate expiry seems arbitrary, excessive, and may discourage GMPs from issuing medical certificates. The draft opinion Part-MED, currently on the EASA web site, only states retention is accordance with national legislation – as documented above. It is therefore the CAA that is requiring GMPs to retain records for 10 years after certificate expiry.</p> <p>For many younger pilots, with certificates valid for 5 years, the GMP will need to keep records for 15 years from the date of issue. For older pilots they will need to be kept for 12 years from issue.</p>	<p>The requirements for record keeping are in Part-ARA, not Part-MED. The text of Part-ARA that has been passed to go forward as legislation contains the following text under ARA.MED.150(b):</p> <p><i>‘all aero-medical records of licence holders shall be kept for a minimum period of 10 years after the expiry of their last medical certificate’.</i></p> <p>The LAPL medical is an EASA medical certificate and the ANO must ensure the EASA regulations are complied with.</p> <p>The proposed Art 73A (2)(c) requires only the application form to be kept in hard copy because it has on it the signature of the applicant. The other forms, information and medical certificate can be kept as a copy; this can be either in hard copy or in electronic form, so can be scanned.</p>	No change

No.	Reference	Comment	Response	Action
		<p>For pilots in their 50s, who have renewed their medical certificate every 2 years since the age of 40, the GMP will, potentially, have to keep a minimum of six sets of paperwork from previous examinations/assessments as well as the current one - if issued in the 45 days before expiry of the current certificate. Seven sets in all. There is no coherent justification for this paper mountain.</p> <p>The consequences are likely to be:</p> <ul style="list-style-type: none"> · MPs being unwilling to issue certificates. · GMPs making records retention charges. · Since GMPs have computerised most of their patients' records it is likely that the paper aviation medical records will be lost when GMPs retire or change practices. <p>Proposals</p> <ol style="list-style-type: none"> 1. GMP need only keep the last set of records for each pilot. When a new certificate is issued records from prior examinations/assessments may be discarded. 2. Records need be kept for only two years after certificate expiry. It is highly improbable that records any older will ever have any value to anybody for any reason whatsoever. 		
10	Art 74 (2)	<p>This requires a pilot to inform an AME if they become unfit due to injury, illness or pregnancy.</p> <p>It is not self-evident why the GMP issuing a certificate for LAPL use cannot perform this function.</p>	<p>A GMP issuing a LAPL certificate can perform this function. This is specified in:</p> <p>Part MED: MED.A.020 Decrease in medical fitness</p> <p><i>(c)(2) holders of LAPL medical certificates shall seek the advice of an AeMC or AME, or the GMP who signed the medical certificate. The AeMC, AME or GMP shall assess the medical fitness of the licence holders and decide whether they are fit to resume the exercise of their privileges.</i></p>	No change

No.	Reference	Comment	Response	Action
			The requirement under Article 74(2) to report refers to medical certificates issued under Article 72. This does not include LAPL medicals, as these are required under Article 73	
11	Art 81	This article sets a minimum age of 16 for a pilot to fly a non-EASA glider, whereas EASA sets a minimum age of 14. This will leave us with the silly situation that a 14 and 15-year olds under training can fly solo in EASA gliders (numerically the greater number) but not Annex II gliders. Suggest adopting the EASA standard for all.	Agreed - See 8 above	As 8 above
12	Proposed Changes	As the EASA license can't carry national ratings, therefore the obvious answer from the process proposed is to allow IMCR holders to continue to hold a UK national license to carry the IMCR which would be valid for EASA aircraft in UK airspace. This would be similar to allowing EASA holders to fly Annex II aircraft.	Pilots can keep UK PPLs with IMC ratings, but, by 8th April 2015 (at the latest) national licences will not be valid to fly any EASA aircraft that is registered in Europe, in anyone's airspace. When the regulations are fully in place, to fly an EASA aircraft that is registered in the EU a pilot must hold an EASA licence and the IMCR, being a national rating, cannot be entered on an EASA licence.	There is no change that can be made to the ANO to change this.
13	Schedule 7, Part C, Section 3, Para 11(2)	Para 11.(2) of Schedule 7 Part C Section 3 currently states (my paraphrasing) that class ratings that could be included in an NPPL can be revalidated as 'Single Seat Only' when an hour's training with an instructor has not been completed during the current validity period. The referenced "Table 2" says the same thing. However, nowhere in the ANO does it say how this 'Single Seat Only' endorsement is removed. This has led to inconsistencies across the GA flying world, with three different views currently in operation. Some NPPL organisations and examiners state that all that is needed to permanently remove	The means to remove the "Single Seat Only" restriction is published in Aeronautical Information Circular W 089/2011, dated 6th October 2011. This information will be published in CAP 804 in due course.	No change to the ANO required.

No.	Reference	Comment	Response	Action
		<p>the 'single seat only' restriction is one training hour in the new period of validity and the restriction can be removed; others say that a proficiency check with an examiner is required; others say that a proficiency test or full new revalidation by experience (ie: 12 hours of flying but this time including an hour with an instructor) is required in order to remove the single seat restriction. The updated ANO must take the opportunity to define how to remove the 'Single Seat Only' restriction. A new revalidation should be required (ie: either 12 hours of flying or a proficiency check with an examiner) but it doesn't matter [] what the method is to remove the "single seat only" restriction, it just needs the removal method to be defined in the ANO rather than having pilots across the country subject to different rules and different costs at the whim of the organisation or examiner involved.</p>		
14	Schedule 7, Part C, Section 3, Table 2	<p>Table 2 within Schedule 7 Part C Section 3 defines how to revalidate a rating specified in Section 2 Part B when more than one rating is held (Item 2 in the table). There is a serious mistake in this Table 2 under item 2.</p> <p>a.iii which states that to revalidate where 2 or more ratings are held, an hour must be completed in an EACH of the class ratings HELD either (aa) as pilot in command or (bb) as a training hour. This requirement is surely meant to apply to "each rating for which a revalidation is applied for" - not to "each rating held". For example, it is quite normal for pilots with 2 or 3 ratings to have each rating coming up for revalidation on very different dates, perhaps even in different years. To illustrate consider where a pilot has two ratings, namely a SSEA rating and a Microlight Rating, but ONLY the microlight rating is due for revalidation. Because of the current problematic wording of the ANO, table item 2 applies because the pilot holds 2 ratings, even though only one is to be revalidated. In order to revalidate the microlight rating alone, because the pilot actually holds two valid ratings, the pilot MUST complete an hour in an SSEA, because</p>	Accepted	<p>ANO Schedule 7 Part C Section 3, Table 2, Section 2.- paragraph a(iii) to be amended to read:</p> <p>“(iii) subject to sub-paragraph (b), in an aeroplane coming within each of the aeroplane class ratings which are <u>to be revalidated</u>, either: “</p>

No.	Reference	Comment	Response	Action
		the ANO currently states that at least an hour MUST be done in EACH of the class ratings HELD, when it should say that at least an hour must be done in each of the class ratings FOR WHICH REVALIDATION IS SOUGHT.		
15	Art 81	This article sets a minimum age of 16 for a pilot to fly a non-EASA glider, whereas EASA sets a minimum age of 14. This will leave us with a bizarre situation where a 14 and 15-year old pilot under training can fly solo in an EASA regulated glider but not Annex 2 unregulated glider. Proposal Adopt the EASA FCL minimum age for Annex 2 sailplane pilots.	Accepted - See 8 above	As 8 above
16	Art 255	The definition of TMG does not include the important point that the aircraft has a self-launching capability. It would be inappropriate to inadvertently include self-sustaining sailplanes, ie powered but not certified for/not capable of self-launch, in this definition. Proposal Identify that a TMG is a self-launching aircraft	The proposal was copied from JAR-FCL. There is a new definition in Part-FCL which reads: “‘Touring Motor Glider’ (TMG) means a specific class of powered sailplane having an integrally mounted, non-retractable engine and a non-retractable propeller. It shall be capable of taking off and climbing under its own power according to its flight manual.”	Add to the proposed text for Article 255 - “and which is designed or intended to take-off under its own power” .
17	Art 50	Art 50 needs a provision requiring an appropriate FRTOL or equivalent privilege to use of radio equipment in an EASA aircraft as this is not covered just by a pilot licence issued under the Aircrew regulation	There is no change from the existing ANO which appears to assume that only a member of the flight crew will operate a radio. Article 50A requires an appropriate licence as specified in 50B.	No change required.
18	Art 55	Art 255 under definition of a Part FCL licence, should this say a licence issued or deemed to have been issued in accordance with the Aircrew Regulation to cover JAR-FCL licence that have	There is no opt out from a JAR licence being deemed to be a Part-FCL licence (because the deeming	No change required.

No.	Reference	Comment	Response	Action
		not yet been re-issued as Part-FCL licences by States applying the regulation. (Note: not sure if a state that takes the global opt out loses the 'right' to have its JAR-FCL licences regarded as ones deemed to have been issued under the Reg).	provision is within the cover regulation not the Annexes)	
19	Article 54(2)(b)	Delete " <i>or a Part FCL licence,</i> " A Part-FCL licence can be made valid only for aircraft that are within the scope of such ratings as may be included in it. Neither an aircraft rating nor an instructor rating for gyroplanes may be included in a Part-FCL licence, which consequently cannot be made valid for such aircraft	It is anticipated that in due course heavier gyroplanes will be built, which will be EASA aircraft, and that there will then be Part-FCL gyroplane licences. The reference to Part-FCL here allows for that development.	No change required
20	Article 61(1)(a)	Delete " <i>that person is not resident in the European Union and</i> " The amended text refers to the residency of both the pilot and the operator of an aircraft. Article 4.1(c) of the Basic Regulation refers only to the residency of the operator	The text of this Article has been re-written - see 6 above	As 6 above
21	Article 79	Replace "flying log book" with "flight record" throughout FCL.050 refers only to a 'reliable record' and use of the term 'flying log book', without further clarification, denies the option to use only an electronic record, which has been permitted by the CAA in the past. Alternatively, specific reference to an electronic record could be included in the Article.	Partially accepted - If the word "book" is deleted from the article it will then refer to a personal flying log, which retains the meaning but clearly allows for an electronic equivalent	Delete references to "book"
22	Article 80	80(1) – Delete in toto 80(2) – Delete "to which this article applies" Consistency with FCL.900, which requires an instructor certificate to be held in order to give <u>any</u> flight instruction in aircraft	Not accepted. This is a minimum change amendment. The repercussions of imposing the potentially more restrictive FCL requirement on all instruction has not been consulted upon.	No change
23	Schedule 7, Part B Section 3	Delete " <i>, carrying a maximum of 3 passengers, such that there are never more than 4 persons on board</i> " This is a restriction not of the aircraft rating but of the licence, and is already (correctly) included at Part A, Section 1 of the	Accepted.	Delete " <i>carrying a maximum of 3 passengers, such that there are never more than 4</i> "

No.	Reference	Comment	Response	Action
		Schedule. Repetition here implies that the <u>aircraft</u> must not be capable of carrying more than 4 persons, which would preclude most SET helicopters		<i>persons on board</i>
24	Proposed Changes	<p>Inconsistencies between AIC, 'Guidance to Pilots' and ANO descriptions of certain NPPL revalidation requirements. This concerns microlight and SLMG ratings. The ratings issued on licences other than NPPLs before 1st February 2008 are subject to a "5 hours in 13 months" revalidation cycle, whereas the same ratings issued after that date are subject to the "12 hours in 24 months" cycle that is used for ratings that appear on the NPPL.</p> <p>The CAA has allowed those using the "5 hours in 13 months" scheme to move to the "12 hours in 24 months" scheme by means of a general exemption to Article 69(1). The ANO should be amended to make this provision without the need for exemption</p>	Accepted.	Amend Article 69 to implement the same effect as exemption No. 786 in the Official Record Series 4.
25	Schedule 7, Part C, Section 3, Table 2	<p>Alignment of NPPL Class Rating validity expiry dates</p> <p>The following is proposed:</p> <p style="padding-left: 40px;">If an applicant seeks to revalidate 2 or more NPPL Class Ratings with different validity expiry dates, the date used for revalidation purposes shall be that of the earliest validity expiry date and the '12 and 24 month' periods within which the relevant flight experience shall have been obtained will apply to that date.</p>	Accepted. Agreement to the alignment of these dates is published in Aeronautical Information Circular W 089/2011. The ANO should be amended to be consistent.	This is further amended in accordance with item 27.
26	Proposed Changes	<p>Does the ANO cover differences training for moving between EASA aircraft and non-EASA aircraft and between non EASA aircraft when flown under a class or type rating in an EASA licence?</p> <p>If the holder of a UK-issued EASA licence with SEP rating is to have the privilege to fly UK registered microlights (subject to completing appropriate differences training) is it necessary to</p>	The proposed amendment of Article 62(5) renders an EASA licence valid for non-EASA aircraft. So an EASA Part-FCL licence with SEP privileges (including LAPL(A)) will also be rendered valid as a UK licence with SEP privileges. These EASA licences will therefore be valid for	Amend Article 62 to require differences training for Part -FCL SEPs to fly microlights

No.	Reference	Comment	Response	Action
		<p>have something specifically in the ANO to cover this? It is not obvious that a Part FCL SEP rating which by definition excludes microlights will cover them or will it be sufficient to address this in a policy statement (CAP 804)?</p> <p>Will the holder of a UK issued LAPL(A) with SEP have the privilege to fly microlights? A NPPL(A) with SSEA can't at the moment as it is specifically excluded</p>	<p>microlight aeroplanes (subject to differences training as for UK licences with SEP - Schedule 7, Part B, Section 2(1)).</p> <p>The differences training required by Schedule 7 Part B, 2(1) should also apply to SEPs flying microlights</p>	
27	Schedule 7	The IT system is being set up so that for EASA ratings, the ratings remain valid until the end of the month, rather than the specific day. To reduce complexity the same rule should apply to national licences and ratings.	The paragraphs that may be affected appear to be: Schedule 7, Part C, Section 1, paragraphs 6, 7, 9(1)(a)(i), 9(1)(b), 9(2)(a), 9(3)(a)	Amend affected paragraphs to extend validity to end of month of revalidation
28	Schedule 13	The changes to Schedule 50 references need to be reflected in Schedule 13, Part C, Section 1	Accepted	Schedule 13, Part C, Section 1 has been amended to give the correct references.