

**2010/03**

**Applicability: All organisations and individuals concerned with the airworthiness of aircraft, including aircraft owners and operators.**

## **AMENDMENT TO THE AIR NAVIGATION ORDER 2009**

### **1 Introduction**

- 1.1 On the 14<sup>th</sup> of April 2010, the Air Navigation (Amendment) Order 2010 will come into force, amending the Air Navigation Order 2009, which itself came into force on 11 January 2010. This AIRCOM details the changes contained in the amendment.

### **2 Details of the changes**

- 2.1 The Air Navigation Order 2009 introduced a reference to CAP 747 'Mandatory Requirements for Airworthiness' into Article 17, this referred to the need to comply with any national requirements listed in that publication for State aircraft. With this ANO amendment, the reference is updated to a more recent CAP 747 amendment.
- 2.2 Article 208, is amended so that flying training and testing for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence need not be conducted from a licensed aerodrome. A new article 208A is introduced to place responsibility on aircraft commanders and aerodrome operators to be satisfied as to the adequacy of an unlicensed aerodrome for the purposes of flying training and testing, before conducting or permitting it. In order to assist them, a revised version of CAP 428 'Safety Standards at Unlicensed Aerodromes' will be produced, which will include guidance on how to assess whether an airfield is suitable for training.

A related amendment is made to the Rules of the Air, which allows for aeroplanes not exceeding 2730 kg and rotorcraft not exceeding 3175 kg, which are carrying out flying training or testing from an unlicensed aerodrome to be exempt from the low flying prohibitions in Rule 5 when taking off from, landing at or practising approaches in accordance with normal aviation practice for the purpose of flying training or testing at an aerodrome with adequate facilities for such flights. Further details are available via the link:

<http://www.caa.co.uk/Consultation-LAASGFTSGProposals>

- 2.3 A change within the Fire and Rescue Services Act 2004 inadvertently removed the powers of entry of aerodrome firefighters. A new Article 214A will restore to

aerodrome firefighters attending an aircraft emergency, the powers to take action they believe reasonably necessary including a power of forcible entry to an aircraft. For example, if a firefighter believes a fire has broken out, or may be about to break out, they may enter an aircraft, by force if necessary, without the consent of the owner or operator to carry out fire fighting or rescue. Further details are available via the link:

[http://www.caa.co.uk/Consultation-Firefigtters\\_powers\\_of\\_entry](http://www.caa.co.uk/Consultation-Firefigtters_powers_of_entry)

- 2.4 In Article 255, 'Interpretation', the definition of a self-propelled hang-glider has been simplified by removing the 10 litre maximum fuel capacity and the lower weight limitation if only one person is carried.
- 2.5 In the same article, the definition of a State aircraft has been changed to reflect the latest definition used in the basic European Aviation Safety Agency regulation. Aircraft engaged in search and rescue, firefighting and coastguard activities are now included alongside military, customs and police services. Further information regarding this change will be published shortly.

### 3 Recommendation

- 3.1 Recipients of this AIRCOM should ensure that they read the Air Navigation Order amendment when it is published, and familiarise themselves with the changes. Recipients should consider who else within their organisation should be aware of the changes contained within the amendment, and encourage them to read the amendment also.

### 4 Queries

- 4.1 Any queries as a result of this AIRCOM should be addressed to Airworthiness Strategy and Policy Department at the following e-mail address: Requirements@caa.co.uk



Padhraic Kelleher  
Head of Airworthiness

**7 April 2010**

***Recipients of new AIRCOMs are asked to ensure that these are copied to their 'in house' or contracted organisations, to relevant outside contractors, and to all members of their staff who could have an interest in the information or who need to take appropriate action in response to this Communication.***

**Review ASAP April 2010**