

GC No. 6 Flight in UK Airspace of Certain Foreign Registered Aircraft not holding ICAO compliant Certificates of Airworthiness

I Introduction

- 1.1 As a signatory and Contracting State to the Convention on International Civil Aviation (ICAO) dated 7 December 1944 (the 'Chicago' Convention) the UK will normally recognise compliant Certificates of Airworthiness in accordance with the Convention and its Annexes and allow the aircraft access to UK airspace.
- 1.2 Article 33 of the United Kingdom Air Navigation Order 2016 prohibits the flight in UK airspace of foreign registered aircraft that do not hold ICAO compliant Certificates of Airworthiness (issued to comply with the Convention on International Civil Aviation dated 7 December 1944). Certain ex-military and other civil aircraft, including amateur or home-built aircraft, are not eligible for, and cannot hold the ICAO Certificate of Airworthiness which Article 33 requires.
- 1.3 The UK CAA may, under the provisions of the Air Navigation Order, grant exemptions from Article 33 of the Order and so allow foreign registered non-ICAO compliant aircraft to fly in UK airspace. This Generic Concession (GC) provides three General Exemptions for certain classes of aircraft and explains what is required of the owners of aircraft who wish to make use of them.
- 1.4 Owners of aircraft not covered by these General Exemptions may apply directly to the CAA for an individual exemption to access UK airspace subject to certain conditions. Please apply to apply@caa.co.uk

2 Background

2.1 ECAC Agreement

- 2.1.1 Further to successive recommendations by the European Civil Aviation Conference (ECAC), the CAA now allows two aircraft categories registered in another ECAC member state¹ access to UK airspace only in respect of over-flight and short-term visits, without the need to apply for individual exemptions. It does not provide a basis for a foreign registered aircraft to be resident in the UK:
- **Home-built aircraft** holding a (non-ICAO compliant) Permit to Fly or equivalent document issued by an ECAC member state to fly in their country without any restrictions other than those stated in the Permit to Fly or equivalent document. This is further to an ECAC recommendation in 1980; and
 - **Certain historic aircraft types:** further to a second recommendation in 2016, aircraft types with the following characteristics:
 - a) non-military in origin: the aircraft type was not designed and operated solely for military purposes, though civil-designed aircraft that were operated by the military are allowed; and,
 - b) as such the type previously held an ICAO-compliant Certificate of Airworthiness and now operates under a Permit to Fly or equivalent issued by an ECAC member state; and
 - c) its initial design was established before 1 January 1955 and production has ceased before 1 January 1975; and

¹ For a list of member states, please refer to www.prod.ecac-ceac.org/member-states

- d) the type has a Maximum Take-Off Mass not exceeding 5,700kg; and
- e) it is operated on a non-commercial basis.

2.1.2 The CAA implemented this recommendation on behalf of the United Kingdom by issuing ORS4 no.1249 dated 20 December 2017 containing General Exemption E4602 and is shown at Appendix 1. This exempted the relevant aircraft from compliance with the appropriate provisions of the Air Navigation Order relating to the need to hold Certificates of Airworthiness.

2.1.3 This Exemption is shown in Appendix 1, and previous exemptions of this nature have been revoked and replaced.

2.2 Agreement between the UK CAA and DGAC France

2.2.1 In addition to 2.1 above, the CAA has negotiated a mutual agreement with the French DGAC to allow certain **French registered aircraft types other than home-built aircraft** to fly in each other's State on the basis of a permit or equivalent document issued by the other party. This extends the applicability and flexibility of exemptions beyond the 1980 ECAC recommendation.

2.2.2 However, ex-military aircraft outside the definition set out in paragraph 2.1.1 above and factory built gyroplanes² are not covered by this UK CAA/DGAC-F Agreement and must therefore apply for, and hold individual exemptions prior to entering UK airspace. See paragraph 1.4.

2.2.3 The exemption relating to this mutual agreement is shown at Appendix 2.

2.3 Agreement between the UK CAA and the Irish Aviation Authority

2.3.1 In addition to 2.1 above, the CAA has negotiated a mutual agreement with the Irish Aviation Authority (IAA) to allow certain **Irish registered aircraft types** to fly in each other's State on the basis of a permit or equivalent document issued by the other party. This extends the applicability and flexibility of exemptions beyond the 1980 ECAC recommendation.

2.3.2 The agreement covers manned civil aircraft in the following categories that are subject to a Flight Permit issued by the IAA:

- a) Home built aircraft.
- b) Historic aircraft types that previously held an ICAO-compliant Certificate of Airworthiness, initially designed before 1 January 1955 and whose production has ceased before 1 January 1975 and whose maximum take-off mass does not exceed 5,700kg.
- c) Aircraft specifically designed or modified for research, experimental or scientific purposes, and likely to be produced in very limited numbers.
- d) Single-seat microlight aircraft with a maximum take-off mass of not more than:
 - i) 300kg for a land plane/helicopter;
 - ii) 330kg for an amphibian or floatplane/helicopter; or
 - iii) 315kg for a land plane equipped with an airframe mounted total recovery parachute system.

and, for aeroplanes, having a stall speed or the maximum steady flight speed of not more than 35 knots calibrated air speed.

- e) Two-seat microlight aircraft with a maximum take-off mass of not more than:
 - i) 450kg for a land plane/helicopter; or

² Certain lighter weight gyroplanes may be classified as amateur built.

- ii) 495kg for an amphibian or floatplane/helicopter, provided that, where operating both as a float plane or helicopter and as a land plane or helicopter it falls below both MTOM limits as appropriate.

and, for aeroplanes, having a stall speed or the maximum steady flight speed of not more than 35 knots calibrated air speed.

- f) Gliders with a maximum empty mass, of not more than 80kg when single-seater, or 100kg when two-seater, including those which are foot launched.
- g) Replicas of aircraft of (b) above, for which the structural design is similar to the original aircraft.
- h) Factory-built gyroplanes.
- i) Any other aircraft which has a maximum empty mass, including fuel, of no more than 70kg.
- j) However, ex-military aircraft that were not previously certificated as a civil aircraft are not covered by this UK CAA/Irish Aviation Authority Agreement and must therefore apply for, and hold individual exemptions prior to entering UK airspace. See paragraph 1.4.

2.3.3 The exemption relating to this mutual agreement is shown at Appendix 3.

3 Scope of the General Exemptions

3.1 The intent of these exemptions is to facilitate over-flight or short-term visits. As such the exemptions allow a maximum period of 28 consecutive days for the intended stay, unless otherwise agreed by the CAA as an individual exemption. Where there is a need for the aircraft to be in the UK for a period of more than the 28 days permitted under either of the General Exemptions, a specific exemption will be required. Application may be made by following the process described in paragraph 1.4.

3.2 For aircraft that do not qualify to take advantage of either of the General Exemptions for any other reason, an individual exemption will also be required as noted in paragraph 1.4.

4 Conditions

4.1 The conditions of the Exemptions in Appendices 1 to 3 require that, before flying a foreign aircraft in UK airspace, the owner of the aircraft must ensure that the documents specified in Schedule 1 of each Exemption are valid and available for inspection on demand by the CAA when the aircraft is in the UK.

4.2 Aircraft using these exemptions are not required to notify the CAA in advance, unless, as per paragraph 3.1, the owner intends or wishes to exceed the maximum 28 day period provided under these exemptions.

4.3 Any person flying a foreign registered aircraft in the UK on the basis of a permit or equivalent document without complying with the terms of the applicable Exemption at Appendices 1 to 3 (or obtaining an alternative exemption from the CAA) will be flying in breach of Article 33 of the Air Navigation Order 2016 and therefore be liable to prosecution.

4.4 Foreign pilots should familiarise themselves with the applicable rules of the air for the UK as there may be some material differences between UK practice and the equivalent rules that apply in the State of registry.

5 Contact details for enquiries

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Appendix I to GC No. 6 (available at www.caa.co.uk/ORS4no1249)

Appendix 2 to GC No. 6 (available at www.caa.co.uk/ORS4no910)

Superseded by [ORS4 No 1524](#).

Appendix 3 to GC No. 6 (available at www.caa.co.uk/ORS4no1265)

Superseded by [ORS4 No 1602](#).

