STATUTORY INSTRUMENTS

2024 No. 990

CIVIL AVIATION

The Air Navigation (Amendment) Order 2024

Made - - - -	*2nd October 2024*
Laid before Parliament	*9th October 2024*
Coming into force - -	*4th November 2024*

At the Court at Buckingham Palace, the 2nd day of October 2024

Present,

The King's Most Excellent Majesty in Council

His Majesty, in exercise of the powers conferred on Him by sections 60(1), (2), (3)(b), (d), (h), (l) and (n) and (4), 61 and 101(1)(a) of, and Schedule 13 to, the Civil Aviation Act 1982(**a**), is pleased, by and with the advice of His Privy Council, to order as follows:

Citation, commencement and extent

1.—(1) This Order may be cited as the Air Navigation (Amendment) Order 2024.

(2) This Order comes into force on 4th November 2024.

(3) This Order extends to England and Wales, Scotland and Northern Ireland.

Amendment of the Air Navigation Order 2016

2. The Air Navigation Order 2016(**b**) is amended as follows.

Amendment of article 37 (certificate of airworthiness for state aircraft registered in the United Kingdom)

3. In article 37(4) after "Airworthiness"", insert ", Issue 4, incorporating amendments to 2021/01, dated 1 January 2021"(**c**).

(**a**) 1982 c. 16. There are amendments but none are relevant.

(**b**) S.I. 2016/765, amended by S.I. 2017/1112, 2018/1392, 2019/645, 2019/1115, 2020/1555. There are other amendments but none are relevant.

(**c**) This specifies an issue of CAP 747: Mandatory Requirements for Airworthiness, which is published by the Civil Aviation Authority ("CAA"). A copy of CAP 747 can be accessed on the CAA's website at: www.caa.co.uk/CAP747. A hard copy can be obtained from the Domestic Aviation Safety Team, Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR.

Amendment of article 61 (approval of continuing airworthiness management organisation)

4. In article 61(3) after "Product"", insert ", Issue 8 Amendment 1, dated 15 December 2017"(**a**).

Additional provision relating to communications

5. After article 115 (public transport – operator's responsibilities in relation to routes and aerodromes) insert—

> **"Operator responsibilities in relation to communications**
>
> **115A.** The operator must ensure that an aircraft operated as a controlled flight shall maintain continuous air-ground voice communication watch on the appropriate communication channel of, and establish two-way communication as necessary with, the appropriate air traffic control unit, or else follow alternative instructions given by the appropriate air traffic control unit in respect of aircraft forming part of aerodrome traffic at a controlled aerodrome.".

Amendment of article 239 (power to prohibit or restrict flying)

6. In article 239(3) after "any" insert "individual aircraft or".

Amendment of article 265D (minimum age requirements: UAS operators and remote pilots)

7. In article 265D, omit paragraphs (1), (2) and (7).

Revocation of article 275 (review)

8. Omit article 275.

Amendment of Schedule 1 (interpretation)

9. In Schedule 1—

(a) after the entry for "Controllable balloon" insert—

> ""Controlled aerodrome" has the same meaning as in Article 2(57) of Commission Implementing Regulation (EU) No 923/2012(**b**) laying down the common rules of the air and operational provisions regarding services and procedures in air navigation;";

(b) after the entry for "Controlled airspace" insert—

> ""Controlled flight" has the same meaning as in Article 2(59) of Commission Implementing Regulation (EU) No 923/2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation;";

(c) in the definition of "Part-21 aircraft", after "Commission" insert "or the Secretary of State".

(**a**) This specifies an issue of CAP 553: BCAR Section A - Airworthiness Procedures where the CAA has Primary Responsibility for Type Approval of the Product, which is published by the CAA. A copy of CAP 553 can be accessed on the CAA's website at: www.caa.co.uk/CAP553. A hard copy can be obtained from the Domestic Aviation Safety Team, Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR.

(**b**) EUR 2012/923, amended by S.I. 2019/459 and 2022/1235.

Amendment of Schedule 13 (penalties)

10. In Schedule 13, Part 3, Chapter 1, after the entry for "104(1)" insert—

"115A	Operator responsibilities in relation to communications".

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order in Council)

This Order amends the Air Navigation Order 2016 (S.I. 2016/765) ("ANO").

Articles 3 and 4 amend article 37(4) and 61(3) of the ANO so that they refer to the most recently amended version of relevant documents published by the Civil Aviation Authority. Article 3 relates to CAP 747 and article 4 relates to CAP 553.

Article 5 inserts article 115A (operator responsibilities in relation to communications) into the ANO which makes the operator responsible for complying with communications requirements in respect of their aircraft. Those requirements reflect the SERA.8035 (communications) requirements in the Annex (rules of the air) to Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation ("EUR 2012/923").

Article 6 amends article 239 (power to prohibit or restrict flying) of the ANO to clarify that a restriction, prohibition or conditions may be applied to an individual aircraft.

Article 7 removes provisions in article 265D (minimum age requirements: UAS operators and remote pilots) of the ANO relating to age restrictions for remote pilots operating unmanned aircraft systems. This amendment follows the previous revocation of other provisions providing age restrictions in Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft.

Article 8 removes the requirement for the Secretary of State to review the ANO and to publish a report setting out the conclusions of the review.

Article 9 inserts two new definitions into the ANO to ensure consistency with terminology used in EUR 2012/923 in relation to communications requirements. It also amends the definition for a Part-21 aircraft to reflect that implementing rules may be adopted by the Secretary of State in accordance with Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation, following EU Exit.

Article 10 amends Schedule 13 of the ANO to provide a penalty for failing to comply with the communications requirements for operators.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or business sectors is foreseen. An Explanatory Memorandum has been published alongside this Order and is available at www.legislation.gov.uk.

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