

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

1 Introduction

- 1.1 As a signatory and Contracting State to the Convention on International Civil Aviation 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 16 of the United Kingdom Air Navigation Order 2009 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 16 requires.
- 1.3 The UK CAA may, under the provisions of the Air Navigation Order, grant exemptions from Article 16 of the Order and so allow foreign registered non-ICAO compliant aircraft to fly in UK airspace. This Generic Concession (GC) provides two 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 an52exemption@caa.co.uk

2 Background

2.1 ECAC Agreement

- 2.1.1 In June 1980 the European Civil Aviation Conference (ECAC) recommended that ECAC Member States should allow **home-built aircraft** holding a (non-ICAO compliant) Permit to Fly or equivalent document issued by another ECAC State to fly in their country without any restrictions other than those stated on the Permit to Fly or equivalent document.
- 2.1.2 The effect of this ECAC recommendation was to permit home-built aircraft access to UK airspace only in respect of over-flight (without landing) 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.
- 2.1.3 The CAA implemented this recommendation on behalf of the United Kingdom by issuing a General Exemption. 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. This original exemption is now being revoked and replaced.
- 2.1.4 The revised Exemption relating to this ECAC recommendation is shown at Appendix 1.

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 aircraft¹ 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.

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 Appendix 1 and 2 require that, before flying a foreign aircraft in UK airspace, the owner of the aircraft must ensure that the documents specified in Schedule 1 to this Generic Concession 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 Appendix 1 or 2 (or obtaining an alternative exemption from the CAA) will be flying in breach of Article 16 of the Air Navigation Order 2009 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.

¹ Excluded ex-military aircraft are those that were designed and operated purely for military purposes, e.g. Supermarine Spitfire, not including civil designed and certificated aircraft types that were used by the military, e.g. the DH Chipmunk

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

5 Contact details for enquiries:

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Appendix 1 to GC No. 6

Air Navigation Order 2009 Exemption

General Exemption for Foreign Registered Home-built Aircraft

1. In order to facilitate over-flight and visits to the UK by foreign registered home-built aircraft, the Civil Aviation Authority, in exercise of its powers under Article 242 of the Air Navigation Order 2009, exempts, subject to paragraph 2, any home-built aircraft registered in a Member State of the European Civil Aviation Conference from the provisions of Article 16 of the said Order.

Conditions of Exemption

2. This exemption is granted subject to the following conditions:
 - a) The aircraft is flown under and in accordance with a valid Permit to Fly or equivalent document issued by the State of Registry.
 - b) The aircraft must not be flown for the purpose of public transport or aerial work.
 - c) The aircraft must be flown by day only and in accordance with the Visual Flight Rules.
 - d) The aircraft must not remain in the United Kingdom pursuant to this exemption for a period of more than 28 consecutive days in any one visit, without the prior permission of the CAA.
 - e) The owner of the aircraft must ensure that the documents specified in Schedule 1 to this General Concession No 6 are valid and available for inspection by the CAA on demand when the aircraft is in the UK.
3. The exemption to Article 16 of the Air Navigation Order 2009 dated 26 February 2010 is hereby revoked.
4. This exemption shall have effect from the date below until revoked.

J C McKenna
for the Civil Aviation Authority and the United Kingdom
Dated 5 March 2012

Appendix 2 to GC No. 6

Air Navigation Order 2009 Exemption

Exemption for Certain French Registered Aircraft not possessing ICAO Compliant Certificates of Airworthiness

1. In order to facilitate over flight and visits to the UK by certain French registered aircraft, other than home-built aircraft, that do not hold ICAO compliant Certificates of Airworthiness, the Civil Aviation Authority, in exercise of its powers under Article 242 of the Air Navigation Order 2009, exempts, subject to paragraph 3, any French registered aircraft coming within the definitions of paragraph 2 from the provisions of Article 16 of the said Order.

Qualifying Aircraft

2. This exemption applies to:
 - a) Factory built microlight aeroplanes classified and operating under the ULM category in France³;
 - b) Historic aircraft, as defined by the French DGAC, of civil design⁴ and possessing a CNRAC airworthiness certificate; and
 - c) Civil aircraft classified and operating under a CDNR airworthiness certificate in France.

Conditions of Exemption

3. This exemption is granted subject to the following conditions:
 - a) The aircraft must be flown under and in accordance with a valid airworthiness certificate (e.g. CDNR, CNRAC), Permit to Fly or equivalent document, e.g. Carte d'Identification (ULM) for the aircraft, issued by the French Direction Generale de L'aviation Civile (DGAC).
 - b) The aircraft must not be flown for the purpose of public transport or aerial work.
 - c) The aircraft must be flown by day only and in accordance with the Visual Flight Rules.
 - d) The aircraft must not remain in the United Kingdom pursuant to this exemption for a period of more than 28 days in any one visit, without the prior permission of the CAA.
 - e) The owner of the aircraft must ensure that the documents specified in Schedule 1 to this General Concession No 6 are valid and available for inspection by the CAA on demand when the aircraft is in the UK.

³ e.g. an aircraft complying with the definition of Article 2 of the French Order of 23rd September 1998, relating to microlights (excluding gyroplanes)

⁴ Civil design means an aircraft designed and certified against civil design codes, although historic aircraft may not have been issued with a civil type certificate at the time of manufacture. This can include civil types used in military service, e.g. the DH Chipmunk.

- f) The aircraft must be registered in France and display the relevant markings assigned by France as the State of Registry, e.g. F-xxxx. In the case of the French ULM category, sub-ICAO aircraft registered under provincial rules; the CAA has agreed with DGAC-F to recognise the use of provincial registrations e.g. 21-xx.

4 This exemption shall have effect from the date below until revoked.

J C McKenna
for the Civil Aviation Authority and the United Kingdom
Dated 5 March 2012

Schedule 1 to GC No. 6

Documents to be made available for inspection by the CAA

Whenever a foreign registered non-ICAO compliant aircraft is visiting the UK under the terms of the exemptions provided under this GC the owner of the aircraft shall ensure that the documents specified as set out below, are valid and available for inspection by the CAA on demand:

- A valid registration document from the ECAC Member State or, if appropriate, the Provincial authority for French ULM aircraft;
- A valid airworthiness certificate issued by the State of Registry (e.g. CDNR, CNRAC), Permit to Fly or equivalent document, e.g. Carte d'Identification (ULM) for the aircraft;
- A valid insurance certificate or document as appropriate that meets the requirements of European Regulation (EC) 785/2004; and
- A valid radio licence, if appropriate.