



Miscellaneous

No: 1363

Air Navigation Order 2016

Publication date: 31 March 2020

**General Exemption E 5034**

---

**Carriage of Airborne Collision Avoidance System by Historic or Ex-Military Aeroplanes**

- 1) The Civil Aviation Authority, pursuant to Article 266 of the Air Navigation Order 2016 ("the Order"), exempts any aeroplane specified in paragraph 2 below, together with the operator and commander of the aeroplane, from the requirement to carry or have operable the item of equipment specified in paragraph 3, subject to the conditions set out in paragraph 4.
- 2) This Exemption shall apply to any historic or ex-military aeroplanes which fall within the provisions of paragraphs (a), (d) and (h) of Annex I to Regulation (EU) No. 2018/1139 (see paragraph 2 of the Explanatory Note)<sup>i</sup>.
- 3) The specified item of equipment exempted is an Airborne Collision Avoidance System meeting the ICAO standard for ACAS II equipment, which is normally required under the following provisions of the Order:
  - a) for aircraft not undertaking public transport operations, article 77(4) and Schedule 5, paragraph 18; and
  - b) for aircraft undertaking public transport operations, article 119 and Schedule 6, Part 2, paragraph 3(11) referring to the equipment in Scale J.
- 4) The conditions of this Exemption are that:
  - a) unless the flight is restricted to an aerodrome traffic pattern, the aircraft must be flown in accordance with an ICAO Flight Plan filed prior to the flight, and
  - b) when filed, Field 18 of the ICAO Flight Plan Form is annotated 'Historic Aircraft' for the flight undertaken.
- 5) This Exemption supersedes Official Record Series 4 No. 1256, which is revoked.
- 6) This Exemption has effect from the date it is signed until 31 August 2021, both dates inclusive, unless previously revoked.

D J Drake  
for the Civil Aviation Authority

31 March 2020

**Explanatory Note:**

1. This exemption allows specified aeroplanes, which would otherwise be required to carry an Airborne Collision Avoidance System which meets the ICAO standards for ACAS II equipment, to fly without such equipment.
2. The exemption applies to aeroplanes which fall within one or more of the provisions of Annex I to Regulation (EU) 2018/1139, namely:
  - a) historic non-complex aircraft for which:
    - i) initial design was established before 1 January 1955, and
    - ii) production has been stopped before 1 January 1975;or
  - b) aircraft having a clear historical relevance, related to:
    - i) participation in a noteworthy historic event; or
    - ii) a major step in the development of aviation; or
    - iii) a major role played in the armed forces of a Member State;or
  - c) aircraft that have been in the service of military forces, unless the aircraft is of a type for which a design standard has been adopted by the Agency;
  - d) replicas of aircraft meeting the criteria of (a), (b) or (c) above.

---

<sup>i</sup> 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 and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91.