

Miscellaneous

No: 1471

UK (EU) Regulation No. 2018/1139

Publication date: 05 March 2021

UK (EU) Regulation No. 1178/2011

Air Navigation Order 2016

General Exemption E 5338

Requirement to hold a United Kingdom (UK) Part-FCL Licence when acting as Pilot-in-Command of a UK Registered Single Engine Piston Aeroplane (SEP) or a Touring Motor Glider (TMG) with a UK Part 21 Certificate of Airworthiness or a UK Permit to Fly within the Privileges of the Light Aircraft Pilot Licence (LAPL)

- 1) The Civil Aviation Authority ('the CAA'), pursuant to Article 71(1) of Regulation (EU) No. 2018/1139 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018 and Article 266 of the Air Navigation Order 2016 (the Order) (as amended), exempts holders of the licences specified in paragraph 2) from the requirements of Article 3(1) of UK (EU) Regulation No.1178/2011 and Article 136 of the Order, to hold an appropriate UK Part-FCL licence subject to the conditions in paragraphs 3) and 4).
- 2) This exemption applies to holders of the following licences issued under Article 152 of the Order, subject to the conditions specified in paragraph 3) and 4).
 - a) UK National Private Pilot's Licence (Aeroplanes)
 - b) UK Private Pilot's Licence (Aeroplanes)
 - c) UK Commercial Pilot's Licence (Aeroplanes)
 - d) UK Airline Transport Pilot's Licence (Aeroplanes)
- 3) This exemption is subject to the following conditions:
 - a) The licences specified in paragraph 2) must have been issued by the UK CAA before 8 April 2020.
 - b) Licence holders must only operate flights:
 - i) in a UK (G) registered aeroplane (as defined in Schedule 1 to the Order);
 - ii) in the following areas:
 - 1) within the UK; or
 - 2) with the permission of the relevant authority, within a Crown Dependency, but for an A to A flight¹ only;

¹ an "A to A flight" means a flight starting from, and ending at, any aerodrome within the same Crown Dependency.

- iii) in day or night Visual Flight Rules ('VFR'); and
 - iv) which are not:
 - 1) commercial operation flights (as defined in Schedule 1 to the Order);
 - 2) pilot training flights, except where the pilot is under training with a Flight or Class Rating Instructor who is acting as Pilot in Command (PIC).
 - 3) cost sharing flights as per paragraph 4a(a) of Article 6 of the UK (EU) Regulation No. 965/2012; or
 - 4) introductory flights as per paragraph 4a(c) of Article 6 of the UK (EU) Regulation No. 965/2012.
 - c) Act as PIC of a UK (G) registered SEP with a UK Part 21 Certificate of Airworthiness or Permit to Fly within the privileges of a LAPL, as set out in Subpart B of Annex I (Part-FCL) of the UK (EU) Regulation No.1178/2011 (even though that person does not hold a LAPL); or
 - d) Act as PIC of a UK (G) registered TMG with a UK Part 21 Certificate of Airworthiness or Permit to Fly within the privileges of a LAPL, as set out in Subpart B of Annex I (Part-FCL) of the UK (EU) Regulation No. 1178/2011 (even though that person does not hold a LAPL); and
 - e) A licence holder must not exceed a maximum accumulative total of 12 flying hours as PIC permitted by this exemption. The purpose of these flights must be to regain competence and familiarisation or to cover any specific differences associated with Part 21 SEP aeroplanes or TMGs.
 - f) The first flight by a licence holder under this exemption must be a flight with a Flight or Class Rating Instructor of at least one hour's duration if the licence holder has not flown since 8 April 2020.
- 4) The licence(s) specified in paragraph 2) must hold privileges which entitles the holder to perform the functions being undertaken by that person in relation to the SEP aeroplanes, self-launching motorgliders (SLMGs) or TMGs and these must be maintained in accordance with Schedule 8 of the Order.
- 5) 'TMG' is defined in FCL.010, Annex I (Part-FCL) of the UK (EU) Regulation No.1178/2011. 'SLMG' is defined in Schedule 1 of the Order.
- 6) The EU Regulations referred are those regulations as retained in UK domestic law as from 23:00 (GMT) on 31 December 2020.
- 7) This exemption has effect from the date it is signed until **30 June 2021**, both dates inclusive unless it is varied, suspended or revoked.

M MacDonald
for the Civil Aviation Authority

05 March 2021

Explanatory Note - General:

1. The object of this exemption is to enable those licence holders specified in paragraph 2) to act as pilot of a UK registered SEP aeroplane or TMG with a UK Part 21 Certificate of Airworthiness or Permit to Fly, within the privileges of a UK Part-FCL LAPL, with some additional conditions, even though that person does not hold a LAPL.
2. The pilot must hold and be exercising the privileges of, a licence specified in paragraph 2) above, issued before 8 April 2020 granted in accordance with Article 152 of the Order, and which entitles the holder to perform the functions being undertaken by that person in relation to the simple and single engine piston aeroplanes (SSEA/SEP), SLMG or TMGs and maintain in accordance with Schedule 8 of the Order.
3. The privileges of the LAPL as set out in Subpart B of Annex I (Part-FCL) of the UK (EU) Regulation No.1178/2011 are:

FCL.105 LAPL:

(a) General. The privileges of the holder of an LAPL are to act without remuneration as PIC in non-commercial operations on the appropriate aircraft category.

(b) Conditions. Applicants for the LAPL shall have fulfilled the requirements for the relevant aircraft category and, when applicable, for the class or type of aircraft used in the skill test.

FCL.105 LAPL(A):

(a) Privileges The privileges of the holder of an LAPL for aeroplanes are to act as PIC on single engine piston aeroplanes-land (SEP(land)), single engine piston aeroplanes-sea (SEP(sea)) or TMG with a maximum certificated take-off mass of 2000 kg or less, carrying a maximum of 3 passengers, such that there are always a maximum of 4 persons on board of the aircraft.

4. The additional conditions mean that a pilot taking advantage of this exemption cannot conduct a flight as PIC for:
 - a. commercial operations,
 - b. flight training except where the pilot is under training with a Flight or Class Rating Instructor who is acting as Pilot in Command.
 - c. introductory or
 - d. cost sharing flights.
5. Pilots taking advantage of this exemption must not exceed a maximum accumulative total of 12 flying hours as PIC. This is only in relation to those flying hours in a UK (G) registered Part 21 SEP aeroplane or TMG, this does not include any flying hours in UK (G) registered non-Part 21 aeroplanes or motorgliders.
6. The aim of this exemption is to provide scope for licence holders in paragraph 2) to regain and maintain sufficient short-term currency and competence or familiarise themselves or to complete differences training specifically associated with UK (G) registered Part 21 SEP aeroplanes or TMGs; it is not intended to facilitate recreational activity. For this reason, it places a limit on the amount of PIC flying that may be conducted under the exemption, which is 12 flight hours.