

2021 No. 10

CIVIL AVIATION

The Aviation Safety (Amendment) Regulations 2021

Made - - - - *5th January 2021*

Laid before Parliament *7th January 2021*

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by Article 4 of Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky^(a) and Articles 23(1), 44(1) and 57 of 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^(b).

Citation and commencement

- 1.—(1) These Regulations may be cited as the Aviation Safety (Amendment) Regulations 2021.
- (2) These Regulations, apart from regulation 2, come into force on 28th January 2021.
- (3) Regulation 2 comes into force on 20th May 2021.

Amendments to Commission Implementing Regulation (EU) No 923/2012 (rules of the air)

2.—(1) 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^(c) is amended as follows.

- (2) In Article 2 (definitions), after point 143 insert—

“144. ‘with the surface in sight’ means with the flight crew being able to see sufficient surface features or surface illumination to enable the flight crew to maintain the aircraft in a desired attitude without reference to any flight instrument.”.

- (3) In the Annex, Section 5 (visual meteorological conditions, visual flight rules, special VFR and instrument flight rules), in point SERA.5001—

- (a) for the last row of Table S5-1 substitute—

(a) EUR 551/2004 - this is a reference to the retained version of Regulation (EC) 551/2004, as amended by S.I. 2019/459. The retained version of Regulation (EC) 551/2004 is online at <http://www.legislation.gov.uk/eur/2004/551/contents>.

(b) EUR 2018/1139 - this is a reference to the retained version of Regulation (EU) 2018/1139, as amended by S.I. 2019/645. The retained version of Regulation (EU) 2018/1139 is online at <http://www.legislation.gov.uk/eur/2018/1139/contents>.

(c) EUR 923/2012 - this is a reference to the retained version of Commission Implementing Regulation (EU) 923/2012, as amended by S.I. 2019/459. The retained version of Commission Implementing Regulation (EU) 923/2012 is online at <https://www.legislation.gov.uk/eur/2012/923/contents>.

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|---|-------------------------------------|-------------------|---|
| “At and below 900 m (3 000 ft) AMSL, or 300 m (1 000 ft) above terrain, whichever is the higher | A ^b B C D ^c E | 5 km | 1 500 m horizontally 300 m (1 000 ft) vertically |
| | F G | 5 km ^d | Clear of cloud and with the surface in sight”; |

(b) for footnote c to Table S5-1 substitute—

“c A VFR flight in airspace class D is also deemed to have complied with Table S5-1 if the aircraft is flown:

- (a) during day;
- (b) at or below 900 m (3 000 ft) AMSL, or 300 m (1 000 ft) above terrain, whichever is the higher;
- (c) at an indicated airspeed of 140 kts or less to give adequate opportunity to observe other traffic or any obstacles in time to avoid collision; and
- (d) remaining clear of cloud, with the surface in sight and:
 - (1) for aircraft other than helicopters, with a flight visibility of at least 5 km;
 - (2) for helicopters, with a flight visibility of at least 1 500 m.”;

(c) after footnote c to Table S5-1 insert—

“d A VFR flight in airspace class F or G is also deemed to have complied with Table S5-1 if the aircraft is flown:

- (a) during day;
- (b) at or below 900 m (3 000 ft) AMSL, or 300 m (1 000 ft) above terrain, whichever is the higher;
- (c) at an indicated airspeed of 140 kts or less to give adequate opportunity to observe other traffic or any obstacles in time to avoid collision; and
- (d) with a flight visibility of at least 1 500 m.”.

Amendments to Commission Implementing Regulation (EU) No 2019/947 (rules and procedures for the operation of unmanned aircraft)

3. In Commission Implementing Regulation (EU) No 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft(a), omit—

- (a) Article 9 (minimum age for remote pilots);
- (b) Article 9A (regulations).

Amendments to Commission Regulation (EU) No 1178/2011 (aircrew)

4.—(1) Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council(b) is amended as follows.

(2) In Article 1 (subject matter), in paragraph (1)(c) in the first and third place it occurs, after “certificates” insert “and medical declarations”.

(3) In Annex 1 (Part-FCL), Subpart A (general requirements)—

(a) in point FCL.010, after the definition of “LPV” insert—

“‘Medical declaration’ means a medical declaration made in accordance with article 163(3) of the Air Navigation Order 2016(c) by a pilot holding a private pilot licence

(a) EUR 2019/947 - this is a reference to the retained version of Commission Implementing Regulation (EU) No 2019/947, as amended by S.I. 2020/1593. The retained version of Commission Implementing Regulation (EU) No 2019/947 is online at <https://www.legislation.gov.uk/eur/2019/947/contents>.

(b) EUR 1178/2011 - this is a reference to the retained version of Commission Regulation (EU) No 1178/2011, as amended by S.I. 2019/645 and 2020/1116. The retained version of Commission Regulation (EU) No 1178/2011 is online at <https://www.legislation.gov.uk/eur/2011/1178/contents>.

(c) S.I. 2016/765, to which there are amendments not relevant to these Regulations.

(PPL), a balloon pilot licence (BPL), a sailplane pilot licence (SPL), or a light aircraft pilot licence (LAPL), which has not ceased to be valid in accordance with article 163(4) of that Order.”;

- (b) in point FCL.040, after “certificate” insert “or medical declaration”;
 - (c) in point FCL.045(a), after “certificate” insert “or medical declaration, appropriate to the privileges exercised,”.
- (4) In Annex 4 (Part-MED), Subpart A (general requirements), in point MED.A.030(c)—
- (a) in point (1), after “certificate” insert “or have made a medical declaration (except where the pilot is exercising the privileges of a LAPL in respect of a turbine engine helicopter, in which case the pilot shall hold at least a valid LAPL medical certificate)”;
 - (b) in point (2), after “certificate” insert “(except where the pilot is exercising the privileges of a LAPL in respect of aircraft other than turbine engine helicopters, in which case the pilot shall hold at least a valid class 2 medical certificate or have made a medical declaration)”;
 - (c) in point (3)(i), at the end insert “or (except where more than 4 persons are on board the aircraft) have made a medical declaration”;
 - (d) in point (4), after “certificate” insert “or have made a medical declaration”.

Amendments to Commission Regulation (EU) 2018/395 (operation of balloons)

5.—(1) Commission Regulation (EU) 2018/395 of 13 March 2018 laying down detailed rules for the operation of balloons as well as for the flight crew licensing for balloons pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council(**a**) is amended as follows.

- (2) In Article 2 (definitions), at the end insert—
 - “(16) ‘medical declaration’ means a medical declaration made in accordance with article 163(3) of the Air Navigation Order 2016 by a pilot holding a balloon pilot licence (BPL), which has not ceased to be valid in accordance with article 163(4) of that Order.”.
- (3) In Annex 3 (Part-BFCL)—
 - (a) in Subpart GEN (general requirements), in point BFCL.045(a)(2), after “certificate” insert “or medical declaration, appropriate to the privileges exercised”;
 - (b) in Subpart BPL (balloon pilot licence), in point BFCL.115(c), after “certificate” insert “or medical declaration”.

Amendments to Commission Regulation (EU) 2018/1976 (sailplanes)

6.—(1) Commission Regulation (EU) 2018/1976 of 14 December 2018 laying down detailed rules for the operation of sailplanes as well as for the flight crew licensing for sailplanes pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council(**b**) is amended as follows.

- (2) In Article 2 (definitions), at the end insert—
 - “(14) ‘medical declaration’ means a medical declaration made in accordance with article 163(3) of the Air Navigation Order 2016 by a pilot holding a sailplane pilot licence (SPL), which has not ceased to be valid in accordance with article 163(4) of that Order.”.
- (3) In Annex 3 (Part-SFCL)—

(a) EUR 2018/395 - this is a reference to the retained version of Commission Regulation (EU) 2018/395, as amended by S.I. 2019/1098 and 2020/1116. The retained version of Commission Regulation (EU) 2018/395 is online at <https://www.legislation.gov.uk/eur/2018/395/contents>.

(b) EUR 2018/1976 - this is a reference to the retained version of Commission Regulation (EU) 2018/1976, as amended by S.I. 2019/1098 and 2020/1116. The retained version of Commission Regulation (EU) 2018/1976 is online at <https://www.legislation.gov.uk/eur/2018/1976/contents>.

- (a) in Subpart GEN (general requirements), in point SFCL.045(a)(2), after “certificate” insert “or medical declaration, appropriate to the privileges exercised”;
- (b) in Subpart SPL (sailplane pilot licence), in point SFCL.115(c), after “certificate” insert “or medical declaration”.

Signed by authority of the Secretary of State for Transport

5th January 2021

Robert Courts
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to retained EU law in the field of aviation safety.

Regulation 2 amends Commission Implementing Regulation (EU) No 923/2012 (rules of the air) to provide a definition for the term ‘with the surface in sight’ and to amend the rules on distance from cloud when aircraft are flying using visual flight rules (VFR) in classes D, F and G airspace.

Regulation 3 omits Articles 9 and 9A of Regulation (EU) 2019/947 (rules and procedures for the operation of unmanned aircraft) to remove the minimum age for remote pilots operating unmanned aircraft systems.

Regulations 4 to 6 amend Commission Regulation (EU) No 1178/2011 (aircrew), Commission Regulation (EU) 2018/395 (operation of balloons) and Commission Regulation (EU) 2018/1976 (sailplanes) to permit the use of a medical self-declaration to operate certain UK-registered Part-21 aircraft (as that term is defined in the Air Navigation Order 2016) in the United Kingdom.

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

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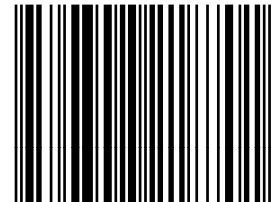
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