

Miscellaneous

No: 1142

Air Navigation Order 2009

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General Exemption E 4118

Experimental Aircraft

- 1) The Civil Aviation Authority, in exercise of its powers under article 242 of the Air Navigation Order 2009 (the Order), exempts any aircraft specified in paragraph 2 (the specified aircraft) from the requirement specified in paragraph 3 (the exempted requirement) subject to the E Conditions.
- 2) A specified aircraft is any non-EASA experimental aircraft [registered in the United Kingdom] which is designed to be flown by a flight crew of at least one pilot and has a MTWA of 2,000 kg or less.
- 3) The exempted requirement is the requirement at article 16 of the Order that it must not fly unless there is in force for the aircraft a certificate of airworthiness issued or rendered valid under the law of the United Kingdom or a permit to fly.

- 4) In this exemption:

any assessment of risk must have regard to CAP 1220 "Operation of Experimental Aircraft under E Conditions";

Note: CAP 1220 may be found at www.caa.co.uk/cap1220. Chapter 8 provides information on risk assessment including guidance on what is considered unacceptable risk.

'E Conditions' mean the conditions set out in Schedule 1;

'E Conditions Competent person' has the meaning set out in Schedule 2.

'E Conditions Declaration' means a declaration which conforms with Schedule 3;

'non-EASA experimental aircraft' means an aircraft which comes within paragraph (b) of Annex II of Regulation (EC) No. 216/2008.

Note: Paragraph (b) of Annex II of Regulation (EC) No. 216/2008 states:

(b) aircraft specifically designed or modified for research, experimental or scientific purposes, and likely to be produced in very limited numbers.

- 5) This exemption comes into force on 16 November 2015 and remains in force until 25 August 2016 unless previously revoked.

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for the Civil Aviation Authority

12 November 2015

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Schedule 1: E CONDITIONS

A. Conditions applicable to the E Conditions competent person

- 1) The E Conditions competent person must, before the flight test programme commences:
 - a) undertake a risk assessment;
 - b) be satisfied that all risks in respect of the flight test programme have been mitigated to an acceptable level;
 - c) in particular be satisfied that the level of risk to uninvolved third parties is low enough to be acceptable;
 - d) keep a dossier of information about the aircraft and the flight test programme, including a record of the risk assessment, and retain the dossier for three years after final flight under the flight test programme.
- 2) The E Conditions competent person must, throughout the flight test programme:
 - a) make such changes to the risk assessment and dossier of information as appear appropriate in light of the information gathered in connection with that programme;
 - b) not permit a flight to take place unless he/she remains satisfied that all risks in respect of the flight test programme have been mitigated to an acceptable level and that the level of risk to uninvolved third parties is low enough to be acceptable.
- 3) An E Conditions competent person must produce the dossier of information to an authorised person within a reasonable time after being requested to do so.
- 4) If the person who has submitted an E Conditions Declaration ceases to be an E Conditions competent person, the flight test programme is deemed to be completed.
- 5) If the person who has submitted an E Conditions Declaration notifies the CAA that the flight test programme has been terminated, it is deemed to be completed.
- 6) If the person who has submitted an E Conditions Declaration is no longer discharging the obligations set out in the E Conditions Declaration the flight test programme is deemed to be completed.

B. Flight in accordance with E Conditions

The aircraft may fly only for a purpose set out in paragraph C, subject to the conditions set out in paragraph D.

C. Purposes for which the aircraft may fly

The purposes referred to in paragraph B are:

- a) experimenting with or testing the aircraft (including any engines installed on the aircraft) or any equipment installed or carried in the aircraft;
- b) demonstrating the aircraft, any engines installed on the aircraft or any equipment installed or carried in the aircraft in support of their development or of other similar aircraft, engines or equipment.