

Miscellaneous

No: 1160

Air Navigation Order 2009

Publication date: 13 April 2016

General Exemption E 4167

Air Navigation Order 2009 - Schedule 5 Scale (J) – Airborne Collision Avoidance System

- 1) Subject to paragraph 3, the Civil Aviation Authority in exercise of its powers under Article 242 of the Air Navigation Order 2009 ("the Order") exempts any aeroplane specified in paragraph 2, together with the operator and commander of the aeroplane from the requirements at article 39(2) of, and paragraphs 2(11) and 2(12) of the Table at paragraph 3 of Schedule 5 to the Order to carry the equipment specified as Scale J in paragraph 4 of Schedule 5, that is to say an Airborne Collision Avoidance System which meets the ICAO standards for ACAS II equipment.
- 2) This Exemption shall apply to any historic or ex-military aeroplane which fall within the provisions of paragraphs (a), (d) and (h) of Annex II to Regulation (EC) No. 216/2008 (See paragraph 2 of the Explanatory Note.)¹.
- 3) This exemption shall only apply if Field 18 of the ICAO Flight Plan Form (when filed) is annotated *Historic aircraft* for each such flight undertaken.
- 4) This exemption supersedes Official Record Series 4 No. 849
- 5) This exemption has effect from the date it is signed until 31 March 2018, both dates inclusive, unless previously revoked.

M Swan

for the Civil Aviation Authority

13 April 2016

¹ Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC.

Explanatory Notes:

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 II to Regulation (EC) 216/2008, 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;
 - 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;
 - 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 (a), (b) or (c).

13 April 2016