

Miscellaneous

No: 1579

Air Navigation Order 2016

Publication date: 29 June 2023

## General Exemption E 5971

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### Exemption for Certain Irish Registered Aircraft not possessing ICAO Compliant Certificates of Airworthiness

#### Background

- 1) This General Exemption replaces previous ORS4 No.1530 to facilitate over flight and visits to the UK by certain Irish registered aircraft, which do not possess an ICAO compliant Certificate of Airworthiness subject to specified conditions.

#### Interpretation

- 2) In this exemption, references to EU regulations are to those regulations as retained and amended in UK domestic law under the European Union (Withdrawal) Act 2018 and are referenced as “UK Regulation (EU) year/number” or “UK Regulation (EU) No. number/year”.
- 3) In this exemption,
  - a) the “Order” means the Air Navigation Order 2016 (as amended)
  - b) the “CAA” means the Civil Aviation Authority.

#### Exemption

- 4) The CAA in exercise of its powers under Article 266 of the Order, exempts, subject to paragraph 6 below, any Irish registered aircraft coming within the definitions of paragraph 5 below from the provisions of Article 33 of the Order.
- 5) This exemption applies to civil aircraft in the following categories that are subject to a Flight Permit issued by the Irish Aviation Authority:
  - a) Home built aircraft.
  - b) Historic aircraft types that previously held an ICAO-compliant Certificate of Airworthiness, initially designed before 1 January 1955 and whose production has ceased before 1 January 1975 and whose maximum take-off- mass does not exceed 5,700kg.
  - c) Aircraft specifically designed or modified for research, experimental or scientific purposes, and likely to be produced in very limited numbers.
  - d) Single-seat and two-seat non-Part 21 aeroplanes with a maximum take-off mass of not more than:
    - (i) 600kg for a land plane; or

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- (ii) 650kg for an amphibian or floatplane  
and having, or been modified to have, a stalling speed, or minimum steady flight speed in the landing configuration, of not more than 45 knots calibrated airspeed.
- e) Gliders with a maximum empty mass, of not more than 250kg when single-seater, or 400kg when two-seater, including those which are foot launched.
- f) Replicas of aircraft of (b) above, for which the structural design is similar to the original aircraft.
- g) Factory-built gyroplanes.
- h) Any other aircraft which has a maximum empty mass, including fuel, of no more than 70kg.

### Conditions of Exemption

- 6) This exemption is granted subject to the following conditions that apply to all categories of aircraft:
- a) The aircraft must be registered in Ireland and display the relevant markings assigned by Ireland as the State of Registry.
  - b) The aircraft must be flown in accordance with the conditions, limitations and restrictions under a Flight Permit, Flight Permit Exemption, or equivalent document issued by the Irish Aviation Authority.
  - c) The aircraft must not be flown for the purpose of public transport or commercial operations.
  - d) The aircraft must be flown by day only and in accordance with the Visual Flight Rules.
  - e) The aircraft must not remain in Great Britain pursuant to this exemption for a period of more than 28 days in any one visit, without the prior permission of the CAA.
  - f) The aircraft may enter or overfly the territory of Northern Ireland pursuant to this exemption, without the prior permission of the CAA.
  - g) The owner of the aircraft must ensure that the documents specified in Schedule 1 to this exemption are valid and available for inspection by the CAA on demand when the aircraft is in the UK.
  - h) The pilot of the aircraft shall hold a valid pilot licence and medical certificate, issued in accordance with ICAO Annex 1, which meets the requirements of the applicable Irish legislation for the pilot to act as pilot of the aircraft. Pilots who do not hold such a valid ICAO Annex 1 licence and medical certificate will need to contact the CAA for permission to fly in UK airspace.
- NOTE:** Paragraph e) is intended to facilitate regular short-term visits of qualifying aircraft to Northern Ireland. It is not intended to accommodate Irish registered aircraft being based in Northern Ireland. Where this proves to be the case, the aircraft will be required to be registered in the United Kingdom.
- 7) This exemption supersedes Official Record Series 4 No.1530, which is revoked.

**Date in Force**

8) This exemption has effect from the date it is signed until revoked.

L Baxter

for the Civil Aviation Authority

29 June 2023

**SCHEDULE 1: Documents to be made available for inspection by the CAA**

Whenever a foreign registered non-ICAO compliant aircraft is visiting the UK under the terms of this exemption, the owner of the aircraft shall ensure that the documents specified as set out below, are valid and available for inspection by the CAA on demand:

- A valid registration document from the Irish Aviation Authority
- A valid Permit to Fly or equivalent document, e.g. Flight Permit for the aircraft issued by the Irish Aviation Authority;
- A valid insurance certificate or document as appropriate that meets the requirements of UK Regulation (EU) No. 785/2004, where necessary; and
- A valid radio station licence, if appropriate.