



Miscellaneous

No: 1570

Air Navigation Order 2016

Publication date: 02 March 2023

General Exemption E5893

Carriage of Airborne Collision Avoidance System by Historic or ex-Military Aeroplanes

Background

- 1) Certain historic and ex-military aircraft have, for several reasons, not been fitted with an Airborne Collision Avoidance System meeting the ICAO standard for ACAS II equipment. These aircraft are exempt from retrofitting this equipment provided they operate in accordance with the conditions laid out in this exemption.

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 hereafter as "UK Regulation (EU) year/number" or "UK Regulation (EU) No. number/year".

Exemption

- 3) The Civil Aviation Authority, pursuant to Article 266 of the Air Navigation Order 2016 ("the Order"), exempts any aeroplane specified in paragraph 4 below, together with the operator and commander of the aeroplane, from the requirement to carry or have operable the item of equipment specified in paragraph 5, subject to the conditions set out in paragraph 6.
- 4) This Exemption shall apply to any historic or ex-military aeroplanes which fall within the provisions of paragraphs (a), (d) and (g) of Annex I to UK Regulation (EU) 2018/1139 (see paragraph 2 of the Explanatory Note)ⁱ.
- 5) The specified item of equipment exempted is an Airborne Collision Avoidance System meeting the ICAO standard for ACAS II equipment, which is normally required under the following provisions of the Order:
 - a) for aircraft not undertaking public transport operations, article 77(4) and Schedule 5, paragraph 18 of the Order; and
 - b) for aircraft undertaking public transport operations, article 119 and Schedule 6, Part 2, paragraph 3(11) of the Order referring to the equipment in Scale J.

- 6) The conditions of this Exemption are that:
- a) unless the flight is restricted to an aerodrome traffic pattern, the aircraft must be flown in accordance with an ICAO Flight Plan filed prior to the flight, and
 - b) when filed, Field 18 of the ICAO Flight Plan Form is annotated 'Historic Aircraft' for the flight undertaken.
- 7) This Exemption supersedes Official Record Series 4 No. 1503 which is revoked.

Date in Force

- 8) This Exemption has effect from the date it is signed until 01 March 2025, both dates inclusive, unless previously revoked.

L Baxter
for the Civil Aviation Authority

02 March 2023

Explanatory Note:

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 I, paragraph 1 to UK Regulation (EU) 2018/1139 as;
 - 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;
 - or

- 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;or
 - 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 CAA
 - d) replicas of aircraft meeting the criteria of (a), (b) or (c) above, for which the structural design is similar to the original aircraft.
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