

Miscellaneous

No: 1601

[Air Navigation Order 2016](#)

Publication date: 06 June 2024

[UK Regulation \(EU\) 2018/1139](#)

General Exemption E6169

Using a non-Part 21 aeroplanes or touring motorgliders to conduct the dual refresher flight for the revalidation of SEP or TMG class privileges or Class Rating(s)

Background

- 1) This exemption is issued to meet an urgent unforeseeable circumstance to allow holders of a pilot's licence with a valid class rating(s) or privileges for Single Engine Piston (SEP) or Touring Motorglider (TMG) aircraft to be able to use aircraft categorised as non-Part 21 aeroplanes or TMG to conduct the dual refresher flight with a Flight (FI) or Class Rating Instructor (CRI) for the purposes of revalidation of the applicable class ratings.

Exemption

- 2) The Civil Aviation Authority ('the CAA'), pursuant to Article 71(1) of UK Regulation (EU) 2018/1139 (the Basic Regulation) and Article 266 of the Air Navigation Order 2016 (the Order), exempts holders of a licence issued in accordance with Annex I (Part-FCL) of UK Regulation (EU) No. 1178/2011 (the Aircrew Regulation) and Article 152 of the Order from the requirements of FCL.035(a)(4)(ii) of Annex I (Part-FCL) of the Aircrew Regulation, namely the requirement for the dual refresher training flight with an instructor using an aeroplane or TMG that is subject to the evaluation and authorisation specified in ORA.ATO.135 and DTO.GEN.240 subject to the conditions in paragraph 3.
- 3) This exemption is subject to the following conditions:
 - a) The pilot licences specified in paragraph 2 must have been issued by the CAA.
 - b) With the exception of the Part-FCL LAPL(A), the licence must contain a valid SEP or TMG Class Rating.
 - c) Licence holders must only operate flights:
 - i. in United Kingdom (G) registered aeroplanes or TMGs
 - ii. in the following areas:
 - a. within the United Kingdom; or
 - b. with the permission of the relevant authority, in the airspace of another country, or
 - c. with the permission of the relevant authority, within a Crown Dependency,
 - d. in day or night in accordance with Visual Flight Rules ('VFR').

- d) Where a non-Part 21 aeroplane or TMG is to be used for the dual refresher training flight with an instructor as required in FCL.140.A(a)(1) and FCL.740.A(b)(1)(ii) the Flight Instructor or Class Rating Instructor conducting the refresher training flight must still assess the suitability of the aeroplane or TMG to ensure that they can deliver the training flight safely.
- e) This exemption does not permit the use of non-Part 21 aeroplanes or TMG for flight training for gaining a Part-FCL pilot's licence, ratings or certificates.

Date in Force

- 4) This exemption has effect from 06 June 2024 until 30 June 2026, both dates inclusive, unless previously revoked.

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for the Civil Aviation Authority

06 June 2024

Explanatory Note:

1. The objective of the exemption is to allow the dual refresher training flight for the revalidation of a SEP or TMG Class Rating(s) and for the maintenance of privileges for the Part-FCL LAPL(A) under the recency requirements to be conducted in a non-Part 21 aeroplane or TMG without the need for the CAA to have evaluated and authorised the aircraft.
2. The regulation (FCL.035(a)(4)) allows flight experience amassed in an aircraft that falls within the scope of Annex I of the Basic Regulation (non-Part 21), towards meeting the experience requirements.
3. The regulation also says if the aeroplane or TMG to be used during the dual refresher training flight(s) is a non-Part 21 aeroplane or TMG, then it must have been evaluated and authorised by the CAA.
4. ORA.ATO.135 and DTO.GEN.240 requires where a non-Part 21 aircraft is to be used for flight training the CAA shall have evaluated the aircraft to confirm that it has a comparable level of safety as defined in the essential requirements and that the CAA has authorised the use of the aircraft by training organisations.
5. Therefore, a pilot could amass their flight experience in a non-Part 21 aeroplane or TMG and then must conduct their dual refresher flight in a different and possibly unfamiliar aeroplane or TMG.
6. To address this urgent unforeseeable circumstance the CAA is putting in place this temporary exemption, until the changes proposed by the GA Pilot Licensing and Training Simplification have been implemented.
7. This exemption applies to holders of a Part-FCL licences issued by the CAA and PPL(A) issued in accordance with the Order. Pilots issued with a NPPL(A) in accordance with the Order, can already conduct training flights using non-Part 21 aeroplanes and TMG.
8. To take advantage of this exemption the holder of a PPL(A) issued in accordance with the Order and a Part-FCL licence other than the LAPL(A), the SEP or TMG Class Rating(s) must be valid and endorsed on to the active ratings section of the licence.
9. The instructor conducting the refresher training flight(s) must still assess the suitability of the aeroplane or TMG to ensure that they can deliver the training flight safely. The instructor should consider the following:
 - a. Access to all flying and braking controls. (as applicable).
 - b. Access to the engine controls such as throttle, mixture, propeller and carburettor heat controls (as applicable).
 - c. Access to other systems, such as ignition, master switch, other switches, circuit breakers, radio communications and avionics.
 - d. Serviceability of any safety equipment such as seats and seat belts, ballistic recovery parachute, CO2 monitor, portable location beacon and stall warning device (as applicable).
 - e. General condition and airworthiness of the aeroplane or TMG, including ensuring that there is a good external view.
 - f. Ensure the validity of the applicable aircraft documentation such as a valid Certificate of Validity for an aircraft holding a Permit to Fly or Airworthiness Review Certificate for an aircraft with a Certificate of Airworthiness.
 - g. The instructor should also familiarise themselves with the manufactures Pilots Notes, Pilots Operating Handbook or Flight Manual (as applicable).
10. Unless in compliance with DTO.GEN.240 or ORA.ATO.135, this exemption does not permit the use of non-Part 21 aeroplanes or TMG for flight training for gaining a Part-FCL pilot's licence, ratings or certificates.