U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel
800 Independence Ave., SW.
Washington, DC 20591

JUN 15 2015

Mr. Cliff Whittaker, ISP, 2W
Civil Aviation Authority
Safety & Airspace Regulation Group
Aviation House
Gatwick Airport South
RH6 0YR
United Kingdom

Re: Request for an Interpretation of 14 C.F.R. § 61.3(a)(1)(v) in Respect of Licenses that do not Comply with ICAO Annex I Standards

Dear Mr. Whittaker:

This letter responds to your February 24, 2015 request for a legal interpretation of Title 14 Code of Federal Regulations (14 CFR) § 61.3(a)(1)(v), which allows operation of a United States (US) registered aircraft in a foreign country if a pilot holds a license issued by that country. Specifically, you question whether the aforementioned section includes United Kingdom (UK) pilot licenses that do not meet International Civil Aviation Organization (ICAO) Annex I requirements. You stated that the Civil Aviation Authority (CAA) of the UK administers certain "sub-ICAO" pilot licenses that, similarly to sport pilot licenses in the US, do not claim to comply with and do not meet ICAO Annex I requirements for a pilot license. You asked whether § 61.3(a)(1)(v) applies to these licenses that do not comply with ICAO Annex I. The short answer is yes.

Section 61.3(a) contains the pilot certificate requirements for operating a civil aircraft of the US. Paragraph (1)(v) states that "when operating an aircraft within a foreign country, a pilot license issued by that country may be used." A "sub-ICAO" pilot license, as you describe it, is a pilot license issued by the UK and therefore meets the FAA's regulatory requirement. Under § 61.3(a)(1)(v), it is immaterial whether the pilot license of the foreign country where the US registered aircraft is operated meets ICAO standards, provided it is only operated within that country.

To determine whether the specific UK pilot license held by the operator permits the operation of a particular aircraft, whether registered in the US or not, one must look to the applicable regulations of the UK.

This response was prepared by Benjamin Borelli, an attorney in the Regulations Division in the Office of the Chief Counsel, and coordinated with General Aviation and Commercial Division (AFS-800) and the International Programs and Policy Division (AFS-50). If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

Lorelei Peter
Deputy Assistant Chief Counsel for Regulations