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STATUTORY INSTRUMENTS

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**2016 No. 765**

**The Air Navigation Order 2016**

**PART 1**

**Interpretation and categorisation**

**CHAPTER 1**

**Interpretative matter**

**Interpretation**

2. Schedule 1 (interpretation) has effect.

**Meaning of “in flight”**

3. An aircraft is deemed to be in flight—
- (a) in the case of a piloted flying machine, from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power, until the moment when it next comes to rest after landing;
  - (b) in the case of a pilotless flying machine, or a glider, from the moment when it first moves for the purpose of taking off, until the moment when it next comes to rest after landing;
  - (c) in the case of an airship, from the moment when it first becomes detached from the surface until the moment when it next becomes attached to the surface or comes to rest on the surface;
  - (d) in the case of a free balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface until the moment it next comes to rest on the surface; and
  - (e) in the case of a captive balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface, apart from a restraining device attaching it to the surface, until the moment when it next comes to rest on the surface,

and the expressions “a flight” and “to fly” are to be construed accordingly.

**Meaning of “operator”**

4.—(1) Subject to paragraph (2), references in this Order to the operator of an aircraft are, for the purposes of the application of any provision of this Order in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft.

(2) For the purposes of the application of any provision in Part 4, Section 4 of Chapter 2 of Part 5 and article 119, when by virtue of any charter or other agreement for the hire or loan of an aircraft a person other than—

- (a) the holder of a national air operator’s certificate;

- (b) the holder of an EU-OPS air operator certificate;
- (c) the holder of a Part-CAT air operator certificate; or
- (d) a commercial operation undertaking,

has the management of that aircraft for a period of not more than 14 days, paragraph (1) has effect as if that charter or other agreement had not been entered into.

### **Meaning of “aerodrome traffic zone”**

5.—(1) Subject to paragraphs (3) and (8), the aerodrome traffic zone of a notified aerodrome which is not on an offshore installation and at which the length of the longest runway is notified as 1,850 metres or less is that specified in paragraph (2).

(2) The aerodrome traffic zone at an aerodrome referred to in paragraph (1) is the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of two nautical miles.

(3) Paragraph (4) applies if—

- (a) the aerodrome traffic zone specified in paragraph (2) would extend less than 1½ nautical miles beyond the end of any runway at the aerodrome; and
- (b) this paragraph is notified as being applicable.

(4) The aerodrome traffic zone is that specified in paragraph (5) as though the length of the longest runway at the aerodrome were notified as greater than 1,850 metres.

(5) Subject to paragraph (8), the aerodrome traffic zone of a notified aerodrome which is not on an offshore installation and at which the length of the longest runway is notified as greater than 1,850 metres is that specified in paragraph (6).

(6) The aerodrome traffic zone is the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified midpoint of the longest runway and having a radius of 2½ nautical miles.

(7) Subject to paragraph (8), the aerodrome traffic zone of a notified aerodrome which is on an off-shore installation is the airspace extending from mean sea level to 2,000 feet above mean sea level and within 1½ nautical miles of the offshore installation.

(8) The aerodrome traffic zone of a notified aerodrome excludes any airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of this article as being the controlling aerodrome.

### **Meaning of “public transport”**

6.—(1) For the purposes of this Order and subject to Chapter 2, an aircraft in flight is flying on a public transport flight if—

- (a) it is an A to A commercial air transport helicopter operation; or
- (b) the conditions specified in paragraph (2) are satisfied.

(2) The conditions referred to in paragraph (1) are—

- (a) the flight is not a flight for the purpose of commercial air transport; and
- (b) the flight is—
  - (i) for the carriage of passengers or cargo and valuable consideration is given or promised for that flight in the aircraft; or
  - (ii) operated by the holder of a national air operator’s certificate, an EU-OPS air operator certificate or a Part-CAT air operator certificate and any passengers or cargo are

carried gratuitously in the aircraft except for persons specified in paragraph (3) or cargo specified in paragraph (4).

(3) The persons referred to in paragraph (2)(b)(ii) are persons in the employment of the operator (including, in the case of a body corporate, its directors), or persons authorised by the CAA either making any inspection or witnessing any training, practice or test for the purposes of this Order, EU-OPS or the EASA Air Operations Regulation.

(4) The cargo referred to in paragraph (2)(b)(ii) is cargo intended to be used by any persons specified in paragraph (3) or by the operator.

**Meaning of “commercial operation”**

7. For the purposes of this Order, “commercial operation” means any operation of an aircraft other than for public transport—

- (a) which is available to the public; or
- (b) which, when not made available to the public, is performed under a contract between an operator and a customer, where the latter has no control over the operator,

in return for remuneration or other valuable consideration.