
STATUTORY INSTRUMENTS

2016 No. 765

The Air Navigation Order 2016

PART 10

Prohibited behaviour, directives, rules, powers and penalties

CHAPTER 1

Prohibited behaviour

Power to prohibit or restrict flying

239.—(1) If the Secretary of State decides it is necessary in the public interest to restrict or prohibit flying by reason of—

- (a) the intended gathering or movement of a large number of persons;
- (b) the intended holding of an aircraft race or contest or of a flying display; or
- (c) national defence or any other reason affecting the public interest,

the Secretary of State may make regulations prohibiting, restricting or imposing conditions on flights by aircraft specified in paragraph (2) flying in the circumstances specified in paragraph (2).

(2) The aircraft and circumstances are—

- (a) aircraft, whether or not they are registered in the United Kingdom, in any airspace over the United Kingdom or in the neighbourhood of an offshore installation; and
- (b) aircraft which are registered in the United Kingdom, in any other airspace, being airspace for which the United Kingdom has, under international arrangements, undertaken to provide navigation services for aircraft.

(3) Regulations made under this article may apply either generally or in relation to any class of aircraft.

(4) It is an offence to contravene, permit the contravention of or fail to comply with any regulations made under this article.

(5) If the pilot in command of an aircraft becomes aware that the aircraft is flying in contravention of any regulations which have been made for any reason referred to in paragraph (1)(c) the pilot in command must, unless otherwise instructed under paragraph (6), cause the aircraft to leave the area to which the regulations relate by flying to the least possible extent over such area and the aircraft must not begin to descend while over such an area.

(6) The pilot in command of an aircraft flying either within an area for which regulations have been made for any reason referred to in paragraph (1)(c) or within airspace notified as a Danger Area must immediately comply with instructions given by radio by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

Endangering safety of an aircraft

240. A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.

Endangering safety of any person or property

241. A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.

Drunkenness in aircraft

242.—(1) A person must not enter any aircraft when drunk, or be drunk in any aircraft.

(2) A person must not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of acting as a member of the crew, be under the influence of drink or a drug to such an extent as to impair their capacity so to act.

Smoking in aircraft

243.—(1) In aircraft to which this paragraph applies, notices indicating when smoking is prohibited must be exhibited so as to be visible from each passenger seat.

(2) Paragraph (1) applies to any aircraft registered in the United Kingdom, other than a Part-CAT aircraft.

(3) A person must not smoke in any compartment of an aircraft registered in the United Kingdom at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the pilot in command of the aircraft.

Authority of pilot in command of an aircraft

244. Every person in an aircraft must obey all lawful commands which the pilot in command of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried in the aircraft, or the safety, efficiency or regularity of air navigation.

Acting in a disruptive manner

245. A person must not while in an aircraft—

- (a) use any threatening, abusive or insulting words towards a member of the crew of the aircraft;
- (b) behave in a threatening, abusive, insulting or disorderly manner towards a member of the crew of the aircraft; or
- (c) intentionally interfere with the performance by a member of the crew of the aircraft of the crew member's duties.

Stowaways

246. A person must not secrete themselves for the purpose of being carried in an aircraft without the consent of either the operator or the pilot in command or of any other person entitled to give consent to being carried in the aircraft.

Flights over any foreign country

247.—(1) The operator and the pilot in command of an aircraft registered in the United Kingdom (or, if the operator’s principal place of business or permanent residence is in the United Kingdom, any other aircraft) which is being flown over any foreign country, must not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country.

(2) A person does not contravene paragraph (1) if that person neither knew nor suspected that the aircraft was being or was to be used for a purpose referred to in that paragraph.

(3) Subject to paragraph (4), the operator and the pilot in command of an aircraft registered in the United Kingdom (or, if the operator’s principal place of business or permanent residence is in the United Kingdom, any other aircraft) which is being flown over any foreign country must comply with any directions given by the appropriate aeronautical authorities of that country whenever—

(a) the flight has not been duly authorised; or

(b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country.

(4) A direction under paragraph (3) need not be complied with if to do so would endanger the lives of persons on board or the safety of the aircraft.

(5) A person does not contravene paragraph (3) if that person neither knew nor suspected that directions were being given by the appropriate aeronautical authorities.

(6) The requirement in paragraph (3) is without prejudice to any other requirement to comply with directions of an aeronautical authority.

(7) In this article, “appropriate aeronautical authorities” includes any person, whether a member of a country’s military or civil authorities, authorised under the law of the foreign country to issue directions to aircraft flying over that country.