
STATUTORY INSTRUMENTS

2016 No. 765

The Air Navigation Order 2016

PART 3

Registration and marking

Aircraft to be registered

24.—(1) Subject to paragraphs (2), (3) and (4), an aircraft must not fly in or over the United Kingdom unless it is registered in—

- (a) some part of the Commonwealth;
- (b) a Contracting State; or
- (c) some other country in relation to which there is in force an agreement between Her Majesty's Government in the United Kingdom and the Government of that country which makes provision for the flight over the United Kingdom of aircraft registered in that country.

(2) A non-EASA glider may fly unregistered, and will be deemed to be registered in the United Kingdom for the purposes of articles 77 and 137, on any flight which—

- (a) begins and ends in the United Kingdom without passing over any other country; and
- (b) is not for the purpose of public transport or commercial air transport.

(3) A non-EASA aircraft may fly unregistered on any flight which—

- (a) begins and ends in the United Kingdom without passing over any other country; and
- (b) is in accordance with the B Conditions.

(4) Paragraph (1) does not apply to any non-EASA kite or non-EASA captive balloon.

(5) If an aircraft flies in or over the United Kingdom in contravention of paragraph (1) in such manner or circumstances that if the aircraft had been registered in the United Kingdom an offence in respect of a contravention of a provision specified in Schedule 13 would have been committed, that same offence will be deemed to have been committed in respect of that aircraft.

CAA to register aircraft in the United Kingdom

25.—(1) The CAA is the authority for the registration of aircraft in the United Kingdom.

(2) The CAA is responsible for maintaining the register and may record in the register the information specified in article 27(2) in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.

(3) Subject to the provisions of this article, an aircraft must not be registered or continue to be registered in the United Kingdom if it appears to the CAA that—

- (a) the aircraft is registered outside the United Kingdom and that such registration does not cease by operation of law when the aircraft is registered in the United Kingdom;

- (b) the aircraft could more suitably be registered in some other part of the Commonwealth or, in the case of an aircraft registered to an unqualified person, another Contracting State; or
- (c) it would not be in the public interest for the aircraft to be or to continue to be registered in the United Kingdom.

Who may register aircraft in the United Kingdom

26.—(1) Only the following persons are qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the United Kingdom or a share in such an aircraft—

- (a) the Crown in right of Her Majesty’s Government in the United Kingdom and the Crown in right of the Scottish Administration;
- (b) Commonwealth citizens;
- (c) nationals of any EEA State;
- (d) British protected persons;
- (e) bodies incorporated in some part of the Commonwealth and having their principal place of business in any part of the Commonwealth;
- (f) undertakings formed in accordance with the law of an EEA State which have their registered office, central administration or principal place of business within the European Economic Area; or
- (g) firms carrying on business in Scotland (and in this sub-paragraph, “firm” has the same meaning as in the Partnership Act 1890(1)).

(2) If a person other than a person qualified under paragraph (1) holds a legal or beneficial interest by way of ownership in an aircraft, or a share in an aircraft, the CAA may register the aircraft in the United Kingdom if it is satisfied that the aircraft may otherwise be properly registered.

(3) If an unqualified person has had an aircraft registered under paragraph (2) that person must not cause or permit the aircraft to be used for the purpose of commercial air transport while it is so registered.

(4) If an aircraft is chartered by demise to a person qualified under paragraph (1) the CAA may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest in the aircraft, register the aircraft in the United Kingdom in the name of the charterer by demise if it is satisfied that the aircraft may otherwise be properly registered.

(5) Subject to the provisions of this Part, an aircraft registered under paragraph (4) may remain registered during the continuation of the charter.

Application for registration

27.—(1) An application for the registration of an aircraft in the United Kingdom must be made in writing to the CAA and must—

- (a) include or be accompanied by such information and evidence relating to the aircraft and the ownership and chartering of the aircraft as the CAA may require to enable it to determine whether the aircraft may properly be registered in the United Kingdom and whether to issue the certificate of registration; and
- (b) include the proper description of the aircraft according to column 3 of the “Classification of aircraft” in Part 1 of Schedule 4.

(2) If the CAA receives an application for the registration of an aircraft in the United Kingdom and is satisfied that the aircraft may properly be so registered, the CAA must register the aircraft, wherever it may be, and include in the register the following information—

- (a) the number of the certificate;
- (b) the nationality mark of the aircraft and the registration mark assigned to it by the CAA;
- (c) the manufacturer and the manufacturer's designation of the aircraft;
- (d) the serial number of the aircraft;
- (e) the name and address of every person who is entitled as owner to a legal interest in the aircraft or a share of the aircraft or, in the case of an aircraft which is the subject of a charter by demise, the name and address of the charterer by demise; and
- (f) in the case of an aircraft registered under article 26(2) or 26(4), an indication that it is so registered.

(3) The CAA must supply to the registered owner a certificate of registration.

(4) A certificate of registration must include the information specified in paragraph (2) and the date on which the certificate was issued.

Changes to the register

28.—(1) Any person who is the registered owner of an aircraft registered in the United Kingdom must immediately inform the CAA in writing of—

- (a) any change in the information supplied to the CAA when applying for the registration of the aircraft;
- (b) the destruction of the aircraft, or its permanent withdrawal from use; or
- (c) in the case of an aircraft registered under article 26(4), the termination of the charter by demise.

(2) Any person who becomes the owner of an aircraft registered in the United Kingdom must within 28 days of becoming the owner inform the CAA in writing to that effect.

(3) Subject to article 29 the CAA may, whenever it appears necessary or appropriate in order to give effect to this Part or to bring up to date or otherwise correct the register, amend the register or cancel the registration of an aircraft.

(4) The CAA must cancel the registration of an aircraft—

- (a) within two months of being satisfied that there has been a change in the ownership of the aircraft; and
- (b) subject to regulation 51 of the 2015 Regulations (disapplication in respect of pre-existing rights and interests), as soon as reasonably practicable if satisfied that a person wishes and is entitled to procure the de-registration of the aircraft in accordance with Article IX (modification of default remedies provisions) of the Aircraft Protocol (within the meaning of the 2015 Regulations).

Aircraft which are entered in the Register of Aircraft Mortgages

29.—(1) The CAA must not, under article 28(3), cancel the registration of an aircraft which is the subject of an undischarged mortgage entered in the Register of Aircraft Mortgages kept by the CAA under an Order in Council made under section 86 of the Civil Aviation Act 1982 unless all persons shown in the Register of Aircraft Mortgages as mortgagees of that aircraft have consented to the cancellation.

(2) Subject to regulation 51 of the 2015 Regulations (transitional provision), this article does not apply to an aircraft to which article 30 applies.

Aircraft subject to an international interest

30.—(1) This article applies to an aircraft—

- (a) which is the subject of a registered international interest within the meaning of the 2015 Regulations, and
- (b) in respect of which an irrevocable de-registration and export request authorisation is in force.

(2) The CAA may cancel the registration of an aircraft to which this article applies under article 28(3) only in pursuance of an application made by a person who is recorded, in accordance with regulation 22 of the 2015 Regulations, as the authorised party under an irrevocable de-registration and export request authorisation in respect of the aircraft.

(3) Expressions used in this article have the same meaning as in the 2015 Regulations.

General provisions concerning registration

31.—(1) The Secretary of State may, by regulations, adapt or modify the foregoing provisions of this Part as the Secretary of State deems necessary or expedient for the purpose of providing for the temporary transfer of aircraft to or from the United Kingdom register, either generally or in relation to a particular case or class of cases.

(2) In this Part and in Chapter 3 of Part 1 of Schedule 3 “the registered owner” means the person in whose name the aircraft is registered in accordance with article 27(2).

(3) The reference in article 28(1) to the registered owner of an aircraft includes, in the case of a deceased person, their legal personal representative, and in the case of a body corporate which has been dissolved, its successor.

(4) In this Part references to an interest in an aircraft do not include references to an interest in an aircraft to which a person is entitled only by virtue of the person’s membership of a flying club.

(5) Nothing in this Part requires the CAA to cancel the registration of an aircraft if in its opinion it would not be in the public interest to do so.

(6) Any provision in this Part which requires the giving of information to the CAA in writing may be met by means of an electronic communication if the use of such a communication results in the information contained in that communication being available to the CAA in all material respects as it would appear if given or sent in printed form.

Nationality and registration marks

32.—(1) An aircraft (other than an aircraft permitted by or under this Order to fly without being registered) must not fly unless it has painted or fixed on it, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

(2) The marks to be borne by aircraft registered in the United Kingdom must—

- (a) comply with Part 2 of Schedule 4; or
- (b) be borne with the permission of the CAA.

(3) Subject to paragraph (4), an aircraft must not bear any marks which would indicate—

- (a) that the aircraft is registered in a country in which it is not in fact registered; or
- (b) that the aircraft is a State aircraft of a particular country if it is not in fact such an aircraft, unless the appropriate authority of that country has sanctioned the bearing of such marks.

(4) Marks approved by the CAA for the purposes of flight in accordance with the B Conditions do not mean that the aircraft is registered in a country in which it is not in fact registered.