



# Civil Aviation Act 1982

## 1982 CHAPTER 16

### PART III

#### REGULATION OF CIVIL AVIATION

##### *Air transport, etc.*<sup>F1</sup>

#### **64 Restriction of unlicensed carriage by air for reward.**

- (1) No aircraft shall be used for the carriage for reward of passengers or cargo on a flight to which this subsection applies unless—
- (a) the operator of the aircraft holds a licence granted to him by the CAA in pursuance of section 65 below (in this Act referred to as an “air transport licence”) authorising him to operate aircraft on such flights as the flight in question; and
  - (b) the terms of the licence are complied with so far as they relate to that flight and fall to be complied with before or during the flight.
- (2) Subsection (1) above applies to any flight in any part of the world by an aircraft registered in the United Kingdom and to any flight beginning or ending in the United Kingdom by an aircraft registered in a relevant overseas territory<sup>F1</sup> . . ., except that it does not apply to—
- (a) a flight of a description specified in an instrument made by the CAA for the purposes of this paragraph and in force in accordance with subsection (3) below;
  - (b) a particular flight or series of flights specified in an instrument made by the CAA for the purposes of this paragraph;
  - (c) a flight by an aircraft of which the CAA is the operator.
- [<sup>F2</sup>(d) a flight for the undertaking of carriage by air for which a valid operating licence issued in accordance with [<sup>F3</sup>the Community licensing Regulation] is required.]

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*Status: Point in time view as at 08/11/1995. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, Section 64. (See end of Document for details)*

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- (3) An instrument made in pursuance of paragraph (a) of subsection (2) above shall not come into force until it is published in the prescribed manner, and it shall be the duty of the CAA forthwith after making an instrument in pursuance of paragraph (b) of that subsection to publish the instrument in the prescribed manner; and an instrument made in pursuance of paragraph (a) or (b) of that subsection may be revoked or varied by a subsequent instrument made in pursuance of that paragraph.
- (4) Where an aircraft is used for the carriage of passengers or cargo in pursuance of an arrangement made between a member of an incorporated or unincorporated body of persons and that body or another member of it, then, if by reason of relationships arising from membership of the body the carriage is not apart from this subsection carriage for reward, it shall be treated for the purposes of this section as carriage for reward.
- (5) Where an aircraft is used on a flight in contravention of subsection (1) above or, after an aircraft has been used in pursuance of an air transport licence on a flight to which that subsection applies, any term of the licence relating to the flight and falling to be complied with at or after the end of the flight by the operator of the aircraft or by another person who made available such accommodation as is mentioned in paragraph (b) of this subsection is contravened, then—
- (a) if before the flight began the operator of the aircraft knew or ought to have known that the use of the aircraft on that flight was likely to be in contravention of that subsection or, as the case may be, that the term in question was likely to be contravened, he shall be guilty of an offence under this subsection; and
  - (b) if any other person, either by negotiating a contract or otherwise howsoever, made available accommodation for the carriage of passengers or cargo on the aircraft on the flight when he knew or ought to have known before the flight began that the accommodation was likely to be provided on an aircraft when used on a flight in contravention of the said subsection (1) or, as the case may be, that such a term as the term in question was likely to be contravened, that person shall be guilty of an offence under this subsection;
- but a person shall not (except in pursuance of section 99(1) below or the law relating to persons who aid, abet, counsel or procure the commission of offences) be guilty of an offence by virtue of paragraph (b) above in consequence of the contravention by another person of a term of a licence.
- (6) For the purpose of determining in pursuance of subsection (5) above whether an offence relating to a flight has been committed by the operator of the aircraft used on the flight, it is immaterial that the relevant contravention mentioned in that subsection occurred outside the United Kingdom if when it occurred the operator—
- (a) was a United Kingdom national, or
  - (b) was a body incorporated under the law of any part of the United Kingdom or the law of a relevant overseas territory<sup>F1</sup> . . . , or
  - (c) was a person (other than a United Kingdom national or such a body) maintaining a place of business in the United Kingdom;

and for the purpose of determining in pursuance of that subsection whether an offence relating to a flight has been committed by a person who made available such accommodation as is mentioned in that subsection it is immaterial that the relevant contravention there mentioned occurred outside the United Kingdom and that at any relevant time that person was not a United Kingdom national or such a body as aforesaid if any part of the negotiations resulting in the making available of the

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accommodation in question took place, whether by means of the post or otherwise, in the United Kingdom.

(7) Where the CAA has reason to believe that an aircraft is intended to be used in contravention of subsection (1) above on a particular flight beginning in the United Kingdom or that any term of an air transport licence relating to such a flight and falling to be complied with at or after the end of the flight may not be complied with, the CAA may—

- (a) give to the person appearing to it to be in command of the aircraft a direction that he shall not permit the aircraft to take off until it has informed him that the direction is cancelled;
- (b) whether or not it has given such a direction, detain the aircraft until it is satisfied that the aircraft will not be used on the flight in contravention of the said subsection (1) or, as the case may be, that the term aforesaid will be complied with;

and a person who fails to comply with a direction given to him in pursuance of this subsection shall be guilty of an offence under this subsection.

(8) A person guilty of an offence under subsection (5) or (7) above shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; and
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

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**Textual Amendments**

- F1** Words in s. 64(2)(6)(b) repealed (8.11.1995) by 1995 c. 44, s. 1, **Sch. 1 Pt. II**
- F2** S. 64(2)(d) inserted (1.1.1993) by S.I. 1992/2992, **reg. 20**.
- F3** Words in s. 64(2)(d) substituted (1.1.1994) by S.I. 1993/3039, **reg. 3(a)**

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Civil Aviation Act 1982, Section 64.