
STATUTORY INSTRUMENTS

1992 No. 2992

The Licensing of Air Carriers Regulations 1992

Regulation of carriage by air by route licences

21. After section 69 of the Civil Aviation Act 1982 there shall be inserted the following section—

“Regulation of carriage by air by route licences.

69A.—(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 as applied by subsection (6) below (in this Act referred to as a “route 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 flights to which section 64(1) above applies (apart from the exceptions) where the aircraft is used by a Community air carrier, except that it does not apply to—

- (a) a flight of a description specified for the purposes of paragraph (a) of section 64(2) as applied by subsection (6) below;
- (b) a particular flight or series of flights specified for the purposes of paragraph (b) of section 64(2) as so applied;
- (c) a flight by an aircraft of which the CAA is the operator; and
- (d) flights by aircraft in exercise of traffic rights permitted by virtue of the Community access Regulation.

(3) No route licence shall be granted by the CAA so as to permit the exercise of those traffic rights access to which is denied to the aircraft operator concerned by virtue of exceptions contained in articles 3 to 6 of the Community access Regulation.

(4) The CAA shall refuse to grant a route licence in pursuance of an application under section 65 as applied by subsection (6) below if it is not satisfied that the applicant possesses a valid operating licence.

(5) Where a person holds—

- (a) an operating licence granted by an authority in any member State, and
- (b) a route licence,

and his operating licence is revoked or suspended by that authority (and that revocation or suspension takes effect), the route licence shall, as from the date when the revocation or suspension takes effect, cease to be in force or, in the case of suspension, not be effective during the period of suspension of the operating licence.

(6) Subject to subsections (3) to (5) above, sections 64(2)(a), (b) and (c), (3) to (8) and 65 to 69 above shall apply in relation to route licences (and route licensing functions) as

they apply in relation to air transport licences (and air transport licensing functions) subject to the modifications specified in subsection (7) below.

- (7) Those modifications are—
- (a) the omission of section 65(2) and the substitution, for the reference to that subsection in subsection (4), of a reference to subsection (4) above;
 - (b) the omission of section 66(3) to the end of paragraph (b);
 - (c) the omission in sections 64(6) and 65(3) of the references to the law of a relevant overseas territory or of an associated state;
 - (d) the substitution, in section 68(5), for the reference to sections 64 to 67, of a reference to this section and those sections as applied by subsection (6) above; and
 - (e) the substitution, in section 69(1), for the reference to sections 64 to 68, of a reference to this section and those sections as so applied.

- (8) In this section—

“the Community access Regulation” means Council Regulation 2408/92 on access for Community air carriers to intra-Community air routes;

“Community air carrier” has the same meaning as in the Community access Regulation;

“operating licence” means an operating licence granted in any member State in accordance with Council Regulation 2407/92 on licensing of air carriers.”.