

---

STATUTORY INSTRUMENTS

---

**2009 No. 3015**

**The Air Navigation Order 2009**

**PART 1**

**Registration and Marking of Aircraft**

**Aircraft to be registered**

**3.**—(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 37, 39, 50, 86 and 87, 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 aerial work other than aerial work which consists of instruction or testing in a club environment.

(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 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**

**4.**—(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 6(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) an unqualified person holds any legal or beneficial interest by way of ownership in the aircraft or any share in the aircraft;
- (c) the aircraft could more suitably be registered in some other part of the Commonwealth; or
- (d) 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**

5.—(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 an unqualified person resides or has a place of business in the United Kingdom and 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 registered an aircraft under paragraph (2) that person must not cause or permit the aircraft to be used for the purpose of commercial air transport, public transport or aerial work 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**

6.—(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 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 A of Schedule 3.

---

(1) 1890 c.39.

(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 name of the constructor of the aircraft and its designation;
- (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 5(2) or 5(4), an indication that it is so registered.

(3) Subject to paragraph (5) 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.

(5) The CAA is not required to supply a certificate of registration if—

- (a) the registered owner is the holder of an aircraft dealer's certificate granted under this Order; and
- (b) the registered owner has made to the CAA (and has not withdrawn) a statement of the registered owner's intention that the aircraft is to fly only in accordance with the conditions in an aircraft dealer's certificate set out in Part B of Schedule 3.

(6) If a statement under paragraph (5)(b) has been made and not withdrawn, the aircraft must be flown only in accordance with the conditions in the aircraft dealer's certificate set out in Part B of Schedule 3.

(7) The CAA may grant an aircraft dealer's certificate to any person who is qualified under article 5(1) if it is satisfied that that person has a place of business in the United Kingdom for buying and selling aircraft.

### **Changes to the register**

7.—(1) Subject to articles 5(2) and (4) and 8(1), if at any time after an aircraft has been registered in the United Kingdom an unqualified person becomes entitled to a legal or beneficial interest by way of ownership in the aircraft or a share in the aircraft, the registration of the aircraft becomes void and the certificate of registration must be returned immediately by the registered owner to the CAA.

(2) 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 5(4), the termination of the charter by demise.

(3) 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.

(4) Subject to article 8(2) 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.

(5) The CAA must cancel the registration of an aircraft within two months of being satisfied that there has been a change in the ownership of the aircraft.

### **Aircraft which are entered in the Register of Aircraft Mortgages**

**8.—**(1) 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(2) does not become void by virtue of article 7(1).

(2) The CAA must not cancel the registration of such an aircraft under article 7(4) unless all persons shown in the Register of Aircraft Mortgages as mortgagees of that aircraft have consented to the cancellation.

### **General provisions concerning registration**

**9.—**(1) The Secretary of State may, by regulations, adapt or modify the foregoing provisions of this Part as he 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 Part B of Schedule 3 ‘the registered owner’ means the person in whose name the aircraft is registered in accordance with article 6(2).

(3) The reference in article 7(2) 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**

**10.—**(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 comply with Part C of Schedule 3.

(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.

---

(2) 1982 c.16; to which there are amendments not relevant to this provision.