
STATUTORY INSTRUMENTS

2009 No. 3015

The Air Navigation Order 2009

PART 2

Air Operators' Certificates and Operational Directives

Requirement for an EU-OPS air operator certificate

11. A person must not operate an aeroplane registered in the United Kingdom on a commercial air transport flight otherwise than under and in accordance with the terms of an EU-OPS air operator certificate granted to the operator of the aircraft by the CAA.

Requirement for and grant of national air operator's certificate

12.—(1) Subject to article 13, an aircraft registered in the United Kingdom must not fly on a public transport flight, otherwise than under and in accordance with the terms of—

- (a) a national air operator's certificate granted to the operator of the aircraft under paragraph (2), certifying that the holder of the certificate is competent to secure that aircraft operated by him on such flights are operated safely; or
- (b) an EU-OPS air operator certificate granted to the operator of the aircraft by the CAA.

(2) The CAA must grant a national air operator's certificate if it is satisfied that the applicant is competent to secure the safe operation of aircraft of the types specified in the certificate on flights of the description and for the purposes specified, having regard in particular to the applicant's—

- (a) previous conduct and experience; and
- (b) equipment, organisation, staffing, maintenance and other arrangements.

Requirement for and grant of police air operator's certificate

13.—(1) A flight by an aircraft registered in the United Kingdom in the service of a police authority is, for the purposes of this Order, deemed to be a public transport flight.

(2) If any passenger is carried on such a flight it is deemed to be for the purpose of the public transport of passengers.

(3) Save as otherwise expressly provided, the provisions of this Order and of any regulations made under this Order must be complied with in relation to a flight in the service of a police authority as if that flight were for the purpose of public transport or the public transport of passengers.

(4) An aircraft registered in the United Kingdom must not fly on any flight in the service of a police authority otherwise than under and in accordance with the terms of—

- (a) a police air operator's certificate granted to the operator;
- (b) a national air operator's certificate granted to the operator; or
- (c) an EU-OPS air operator certificate granted to the operator and in accordance with EU-OPS as though it were a commercial air transport flight.

(5) The CAA must grant a police air operator's certificate if it is satisfied that the applicant is competent to secure that the operation of aircraft of the types specified in the certificate will be as safe as is appropriate when flying on flights of the description and for the purposes specified, having regard in particular to the applicant's—

- (a) previous conduct and experience; and
- (b) equipment, organisation, staffing, maintenance and other arrangements.

Offering commercial transport and public transport flights

14.—(1) No person may hold anyone out (whether the person who is being held out is the same person as the one who is holding out or is another person) as being one who may offer flights in an aircraft registered in the United Kingdom for the purpose of public transport or commercial air transport unless the person being held out holds—

- (a) in the case of a public transport flight, a valid national air operator's certificate or a valid EU-OPS air operator certificate; or
- (b) in the case of a commercial air transport flight, a valid EU-OPS air operator certificate.

(2) Paragraph (1) does not apply where—

- (a) the person being held out as offering such a flight has applied for a national air operator's certificate or an EU-OPS air operator certificate; and
- (b) the person holding out reasonably believes that the person being held out will hold such a certificate by the time the offered flight is made.

Operational directives

15.—(1) The CAA may direct an aircraft operator by means of an operational directive that an operation is prohibited, or must be limited or is subject to specified conditions, in the interests of safe operations.

(2) An operational directive must state—

- (a) the reason for its issue;
- (b) its applicability and duration; and
- (c) the action required by the operator.

(3) An operational directive may be made in respect of one or more operators or one or more classes of operator.

(4) An operational directive which applies to an EU-OPS operator in relation to a commercial air transport flight must be made subject to and in accordance with article 8 of the Technical Harmonisation Regulation.

(5) An operational directive ceases to have effect if—

- (a) it is withdrawn by the CAA; or
- (b) it is revoked by the CAA following a finding made in accordance with article 8(1) of the Technical Harmonisation Regulation, that the directive is found not to be justified.

(6) The CAA must revoke a directive if it is found not to be justified under article 8(1) of the Technical Harmonisation Regulation.