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STATUTORY INSTRUMENTS

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**2016 No. 765**

**The Air Navigation Order 2016**

**PART 1**

**Interpretation and categorisation**

**CHAPTER 2**

**Categorisation as public transport or commercial operation**

**Public transport and commercial operations – exceptions – cost sharing**

**13.—**(1) A flight is a non-commercial flight if—

- (a) the only valuable consideration given or promised for the flight or the purpose of the flight is a contribution to the direct costs of the flight otherwise payable by the pilot in command; and
- (b) the criteria in paragraph (2) are satisfied.

(2) The criteria in this paragraph are satisfied if—

- (a) no more than four persons (including the pilot) are carried;
- (b) the proportion which the contribution referred to in paragraph (1)(a) bears to the direct costs is not more than the proportion which the number of persons carried on the flight (excluding the pilot) bears to the number of persons carried (including the pilot);
- (c) no information has been published or advertised before the commencement of the flight other than, in the case of an aircraft operated by a flying club, advertising wholly within the premises of such a flying club a case in which all the persons carried on such a flight who are aged 18 years or over are members of that flying club; and
- (d) no person acting as a pilot is employed as a pilot by, or is a party to a contract for the provision of services as a pilot with, the operator of the aircraft which is being flown.