
STATUTORY INSTRUMENTS

2016 No. 765

The Air Navigation Order 2016

PART 10

Prohibited behaviour, directives, rules, powers and penalties

CHAPTER 3

Foreign registered aircraft

Restriction on carriage, where valuable consideration is given or promised, in aircraft registered elsewhere than in the United Kingdom

250.—(1) Unless paragraph (2) or (6) applies, an aircraft registered elsewhere than in the United Kingdom must not take on board or discharge any passengers or cargo in the United Kingdom where valuable consideration is given or promised for the carriage of such persons or cargo.

(2) This paragraph applies if—

(a) the operator or charterer of the aircraft or the Government of the country in which the aircraft is registered has been granted permission to take on board or discharge any passengers or cargo in the circumstances described in paragraph (1) by—

(i) the Secretary of State; or

(ii) the CAA; and

(b) any conditions, to which such permission may be subject, are satisfied.

(3) Where the Secretary of State decides to determine an application for permission under paragraph (2), the Secretary of State must notify both the CAA and the applicant.

(4) The CAA must not determine an application for permission where the Secretary of State has notified the CAA pursuant to paragraph (3).

(5) In exercising a function under this article, the CAA must take account of any guidance given to it by the Secretary of State (including as to the circumstances in which the Secretary of State expects to determine an application for permission).

(6) This paragraph applies if—

(a) the aircraft is flying pursuant to traffic rights conferred by Chapter III of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24th September 2008 on common rules for the operation of air services in the Community⁽¹⁾, as amended from time to time; or

(b) an air operator's certificate has been issued to the operator of the aircraft pursuant to the Air Navigation (Overseas Territories) Order 2013.

(7) No operator or charterer of an aircraft in relation to which the prohibition in paragraph (1) applies may hold itself out as a person who may offer to take on board or discharge any passenger or

(1) O.J. No. L 293, 31.10.2008, p.3.

cargo in the United Kingdom where valuable consideration is given or promised except where that person reasonably believes that paragraph (2) or (6) will apply in relation to the relevant aircraft, operator or charterer by the time the relevant flight is made.

Filing and approval of tariffs

251.—(1) If a permission granted under article 250(2) contains a tariff provision and the Secretary of State so requires, the operator or charterer of the aircraft concerned must file with the CAA the tariff which it proposes to apply on flights to which the said permission relates and the CAA must consider the proposed tariff and may approve or disapprove it.

(2) In this article, “tariff provision”—

(a) means a condition as to any of the following matters—

- (i) the price to be charged for the carriage of passengers, baggage or cargo on flights to which a permission granted under article 250(2) relates;
- (ii) any additional goods, services or other benefits to be provided in connection with such carriage;
- (iii) the prices, if any, to be charged for any such additional goods, services or benefits; and
- (iv) the commission, or rates of commission, to be paid in relation to the carriage of passengers, baggage or cargo; and

(b) includes any condition as to the applicability of any such price, the provision of any such goods, services or benefits or the payment of any such commission or of commission at any such rate.

Restriction on commercial operations in aircraft registered elsewhere than in an EEA state

252.—(1) Subject to paragraph (2), an aircraft registered elsewhere than in the United Kingdom must not fly over the United Kingdom for the purpose of commercial operations unless—

- (a) the CAA has granted permission to do so to the operator or charterer of the aircraft; and
- (b) any conditions, to which such permission may be subject, are satisfied.

(2) This article does not apply to an aircraft—

- (a) registered in an EEA State;
- (b) registered in a territory to which the Air Navigation (Overseas Territories) Order 2013 applies; or
- (c) registered in the Isle of Man or Bailiwicks of Jersey or Guernsey.