

# **AIR DEPARTURE TAX (SCOTLAND) ACT 2017**

---

## **EXPLANATORY NOTES**

### **THE ACT**

#### **Part 2 – Key Concepts**

#### **Section 3 – Passengers not carried for reward**

14. This section creates a tax exemption for the carriage of a passenger who is carried for no reward in the circumstances specified in section 3(2).
15. The circumstances described in section 3(2)(a) and (b) are self-explanatory. The circumstances described in section 3(2)(c) and (d) are intended to enable aircraft operators, without incurring tax, to position their staff before or after they work on any aircraft. The following table provides some examples.

<i>Example</i>	<i>Tax outcome</i>
<i>Example 1 (pre-work positioning)</i> An aircraft engineer located in Edinburgh is needed to work on an aircraft located at London Heathrow, and is flown from Edinburgh to Heathrow as a passenger.	No ADT is payable. Under section 3(2) (c), the engineer is a non-chargeable passenger. The exemption is subject to two conditions: there must be no fare or other reward paid for the carriage of the passenger, and the flight must land at Heathrow no earlier than 72 hours before the engineer's work on the aircraft begins.
<i>Example 2 (post-work positioning)</i> A cabin attendant whose home base is in London works on a flight from Copenhagen to Edinburgh, and is flown from Edinburgh to London Stansted as a passenger.	No ADT is payable. Under section 3(2) (d), the cabin attendant would be a non-chargeable passenger on a flight from Edinburgh to any London airport. The exemption is subject to two conditions: there must be no fare or other reward paid for the carriage of the passenger, and the flight must depart Edinburgh no later than 72 hours after the passenger finishes his or her shift as a cabin attendant on the Copenhagen to Edinburgh flight.