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STATUTORY INSTRUMENTS

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**1995 No. 1038**

**The Air Navigation Order 1995**

**PART I**

**REGISTRATION AND MARKING OF AIRCRAFT**

**Aircraft to be registered**

3.—(1) Subject to paragraph (2) an aircraft shall 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.
- (a) (2) (a) A glider may fly unregistered, and shall be deemed to be registered in the United Kingdom for the purposes of articles 14, 15, 20 and 38 of this Order, on any flight which:
- (i) begins and ends in the United Kingdom without passing over any other country, and
  - (ii) is not for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.
- (b) Any aircraft may fly unregistered on any flight which:
- (i) begins and ends in the United Kingdom without passing over any other country, and
  - (ii) is in accordance with the "B Conditions" set forth in Schedule 2 to this Order;
- (c) Paragraph (1) shall not apply to any kite or captive balloon.

(3) If an aircraft flies 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 against this Order or any regulations made thereunder would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

**Registration of aircraft in the United Kingdom**

4.—(1) The Authority shall be the authority for the registration of aircraft in the United Kingdom and shall keep the register on its premises and may record therein the particulars specified in paragraph (7) in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.

(2) Subject to the provisions of this article, an aircraft shall not be registered or continue to be registered in the United Kingdom if it appears to the Authority that:

- (a) the aircraft is registered outside the United Kingdom and that such registration does not cease by operation of law upon the aircraft being 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 therein;
  - (c) the aircraft could more suitably be registered in some other part of the Commonwealth; or
  - (d) it would be inexpedient in the public interest for the aircraft to be or to continue to be registered in the United Kingdom.
- (3) The following persons and no others shall be qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the United Kingdom or a share therein:
- (a) the Crown in right of Her Majesty's Government in the United Kingdom or a share therein;
  - (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 and having their registered office, central administration or principal place of business within the European Economic Area;
- or
- (g) firms carrying on business in Scotland.

In this sub-paragraph "firm" has the same meaning as in the Partnership Act.

(4) If any unqualified person residing or having a place of business in the United Kingdom holds a legal or beneficial interest by way of ownership in an aircraft, or a share therein, the Authority, upon being satisfied that the aircraft may otherwise be properly so registered, may register the aircraft in the United Kingdom. The person aforesaid shall not cause or permit the aircraft, while it is registered in pursuance of this paragraph, to be used for the purpose of public transport or aerial work.

(5) If an aircraft is chartered by demise to a person qualified as aforesaid the Authority may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest therein, register the aircraft in the United Kingdom in the name of the charterer upon being satisfied that the aircraft may otherwise be properly so registered and subject to the provisions of this article the aircraft may remain so registered during the continuation of the charter.

(6) Application for the registration of an aircraft in the United Kingdom shall be made in writing to the Authority, and shall include or be accompanied by such particulars and evidence relating to the aircraft and the ownership and chartering thereof as it may require to enable it to determine whether the aircraft may properly be registered in the United Kingdom and to issue the certificate referred to in paragraph (8). In particular, the application shall include the proper description of the aircraft according to column 4 of the "General Classification of aircraft" set forth in Part A of Schedule 1 to this Order.

(7) Upon receiving an application for the registration of an aircraft in the United Kingdom and being satisfied that the aircraft may properly be so registered, the Authority shall register the aircraft, wherever it may be, and shall include in the register the following particulars:

- (a) the number of the certificate;
- (b) the nationality mark of the aircraft, and the registration mark assigned to it by the Authority;
- (c) the name of the constructor of the aircraft and its designation;
- (d) the serial number of the aircraft; and

- (e) (i) the name and address of every person who is entitled as owner to a legal interest in the aircraft or a share therein, 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
  - (ii) in the case of an aircraft registered in pursuance of paragraphs (4) or (5), an indication that it is so registered.
- (a) (8) (a) Subject to sub-paragraph (b) the Authority shall furnish to the person in whose name the aircraft is registered (hereinafter in this article referred to as “the registered owner”) a certificate of registration, which shall include the foregoing particulars and the date on which the certificate was issued.
  - (b) The Authority shall not be required to furnish a certificate of registration if the registered owner is the holder of an aircraft dealer’s certificate granted under this Order who has made to the Authority and has not withdrawn a statement of his intention that the aircraft is to fly only in accordance with the conditions set forth in Part C of Schedule 1 to this Order, and in that case the aircraft shall fly only in accordance with those conditions.
- (9) The Authority may grant to any person qualified as aforesaid an aircraft dealer’s certificate if it is satisfied that he has a place of business in the United Kingdom for buying and selling aircraft.
- (10) Subject to paragraphs (4) and (5), 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 therein, the registration of the aircraft shall thereupon become void and the certificate of registration shall forthwith be returned by the registered owner to the Authority.
- (11) Any person who is the registered owner of an aircraft registered in the United Kingdom shall forthwith inform the Authority in writing of:
- (a) any change in the particulars which were furnished to the Authority upon application being made 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 in pursuance of paragraph (5), the termination of the demise charter.
- (12) Any person who becomes the owner of an aircraft registered in the United Kingdom shall within 28 days inform the Authority in writing to that effect.
- (13) The Authority may, whenever it appears to it necessary or appropriate to do so for giving effect to this Part of this Order or for bringing up to date or otherwise correcting the particulars entered on the register, amend the register or, if it thinks fit, may cancel the registration of the aircraft, and shall cancel that registration within 2 months of being satisfied that there has been a change in the ownership of the aircraft.
- (14) The Secretary of State may, by regulations, adapt or modify the foregoing provisions of this article 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.
- (15) In this article 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 his membership of a flying club and the reference in paragraph (11) to the registered owner of an aircraft includes in the case of a deceased person, his legal personal representative, and in the case of a body corporate which has been dissolved, its successor.
- (16) Nothing in this article shall require the Authority to cancel the registration of an aircraft if in its opinion it would be inexpedient in the public interest to do so.
- (17) The registration of an aircraft which is the subject of an undischarged mortgage entered in the Register of Aircraft Mortgages kept by the Authority pursuant to an Order in Council made

under section 86 of the Civil Aviation Act 1982(1) shall not become void by virtue of paragraph (10), nor shall the Authority cancel the registration of such an aircraft pursuant to this article, unless all persons shown in the Register of Aircraft Mortgages as mortgagees of that aircraft have consented to the cancellation.

### **Nationality and registration marks**

5.—(1) An aircraft (other than an aircraft permitted by or under this Order to fly without being registered) shall not fly unless it bears painted thereon or affixed thereto, 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 shall comply with Part B of Schedule 1 to this Order.

(3) Subject to paragraph (4), an aircraft shall not bear any marks which purport to 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 Authority for the purposes of flight in accordance with the “B Conditions” contained in Schedule 2 to this Order shall be deemed not to purport to indicate that the aircraft is registered in a country in which it is not in fact registered.

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(1) 1982 c. 16.