

---

STATUTORY INSTRUMENTS

---

**2005 No. 1970**

**The Air Navigation Order 2005**

**PART 14**

**General**

**Public transport and aerial work—exceptions—cost sharing**

**160.**—(1) Subject to paragraph (4), a flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight falls within paragraph (2) and the the criteria in paragraph (3) are satisfied.

(2) Valuable consideration falls within this paragraph if it is—

- (a) valuable consideration specified in article 157(3)(c);
- (b) in the case of an aircraft owned in accordance with article 162(2), valuable consideration which falls within article 162(3); or
- (c) is a contribution to the direct costs of the flight otherwise payable by the pilot in command;

or falls within any two or all three sub-paragraphs.

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

- (a) no more than 4 persons (including the pilot) are carried;
- (b) the proportion which the contribution referred to in paragraph (2)(c) bears to the direct costs shall not exceed 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 shall have been published or advertised prior to 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 in which case all the persons carried on such a flight who are aged 18 years or over shall be members of that flying club; and
- (d) no person acting as a pilot shall be employed as a pilot by, or be a party to a contract for the provision of services as a pilot with, the operator of the aircraft which is being flown.

(4) If valuable consideration specified in article 157(3)(c) is given or promised the flight shall for the purposes of Part 3 of this Order (other than articles 19(2) and 20(2)) be deemed to be for the purpose of public transport.