
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.

[^{F1}(1A) The Secretary of State may decide, on the basis of the criteria in the Annex to Regulation 2111/2005, that if an air operator who has not been granted permission under paragraph (2) were to apply for it, that operator should not—

- (a) be granted such permission;
- (b) be granted such permission in relation to specified aircraft; or
- (c) be granted such permission unless such permission is subject to specified conditions.

(1B) The Secretary of State may at any time, after reconsideration of the criteria in the Annex to Regulation 2111/2005, decide to revoke or amend a decision under paragraph (1A).

(1C) Where the Secretary of State makes a decision under paragraphs (1A) or (1B), the Secretary of State must notify both the CAA and the air operator concerned.

(1D) The CAA must not determine an application for permission where the Secretary of State has notified the CAA pursuant to paragraph (1C).]

(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—

^{F2}(a)

(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 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.

[^{F3}(8) For the purposes of this article—

(a) “Regulation 2111/2005” means Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a list of air carriers subject to an operating ban within the United Kingdom and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EEC;

(b) “United Kingdom safety list” means the list established under Article 3 of Regulation 2111/2005.]

Textual Amendments

- F1** Art. 250(1A)-(1D) inserted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 65(2)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Art. 250(6)(a) omitted (31.12.2020) by virtue of The Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1392), regs. 1(2), **6(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Art. 250(8) inserted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 65(3)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C1** Art. 250 restricted (31.12.2020) by The Syria (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/792), regs. 1(3), **52(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Air Navigation Order 2016, Section 250.