

STATUTORY INSTRUMENTS

2016 No. 765

The Air Navigation Order 2016

PART 5

Operations

CHAPTER 6

Air operator certificates

Requirement for and grant of national air operator's certificate

101.—(1) Subject to article 134, an aircraft registered in the United Kingdom must not fly on a public transport flight, otherwise than under and in accordance with the terms of—

- (a) a national air operator's certificate granted to the operator of the aircraft under paragraph (2), certifying that the holder of the certificate is competent to secure that aircraft operated by the holder on such flights are operated safely;
- (b) a Part-CAT air operator certificate issued to the operator of the aircraft by the CAA; or
- (c) in the case of an A to A public transport flight by an aeroplane, an air operator certificate specified in sub-paragraphs (a) or (b) ^{F1}...

(2) The CAA must grant a national air operator's certificate if it is satisfied that the operator is competent to secure the safe operation of aircraft of the types specified in the certificate on flights of the description and for the purposes specified, having regard in particular to the operator's—

- (a) previous conduct and experience; and
- (b) equipment, organisation, staffing, maintenance and other arrangements.

F1 Words in art. 101(1)(c) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, [Sch. 1 para. 27](#) (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

Requirement for an EU-OPS air operator certificate

^{F2}102.

F2 [Art. 102](#) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, [Sch. 1 para. 28](#) (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

Requirement for a Part-CAT air operator certificate

103. A person must not operate an aircraft registered in the United Kingdom on a commercial air transport operation otherwise than under and in accordance with the terms of a Part-CAT air operator certificate issued to the operator of the aircraft by the CAA.

Offering commercial transport and public transport flights

104.—(1) No person may hold anyone out (whether the person who is being held out is the same person as the one who is holding out or is another person) as being one who may offer flights in an aircraft registered in the United Kingdom for the purpose of public transport or commercial air transport unless the person being held out holds—

- (a) in the case of a commercial air transport operation, a valid Part-CAT air operator certificate;
 - (b) in the case of a public transport flight, a valid national air operator's certificate or a valid Part-CAT air operator certificate; or
 - (c) in the case of an A to A commercial air transport aeroplane operation, a valid Part-CAT air operator certificate ^{F3}...
- (2) Paragraph (1) does not apply where—
- (a) the person being held out as offering such a flight has applied for a certificate which would authorise the flight in question in accordance with paragraph (1);
 - (b) the person holding out reasonably believes that the person being held out will hold such a certificate by the time the offered flight is made.

F3 Words in art. 104(1)(c) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, [Sch. 1 para. 29](#) (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 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,
CHAPTER 6.