

SCHEDULE 1

Article 4(1)

Aviation activity

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1.—(1) An aviation activity consists of any of the following activities other than excluded flights—

- (a) a flight departing from an aerodrome situated in the United Kingdom and arriving in an aerodrome situated—
 - (i) in the United Kingdom;
 - (ii) in an EEA State;
 - (iii) in Gibraltar;
 - (iv) on an offshore structure in the UK sector of the continental shelf or an offshore structure in the continental shelf of an EEA state;
- (b) a flight arriving in an aerodrome situated in the United Kingdom from an aerodrome situated in Gibraltar.

(2) In this paragraph a reference to a flight departing from an aerodrome situated in the United Kingdom and arriving in an aerodrome situated in an EEA state does not include a reference to a flight departing from an aerodrome situated in the United Kingdom and arriving in an aerodrome situated in an outermost region.

(3) In this paragraph, “continental shelf of an EEA state” means an area beyond the territorial sea of an EEA state, within which rights with respect to the seabed and subsoil and their natural resources are exercisable by that EEA state.

Excluded flights

2.—(1) For the purposes of this Order, subject to sub-paragraph (2), all of the following are excluded flights—

- (a) flights performed exclusively for the transport, on official mission, of a reigning Monarch and their immediate family, Heads of State, Heads of Government and Government Ministers, of a country other than the United Kingdom;
- (b) military flights;
- (c) customs and police flights performed by both civil registered and military aircraft;
- (d) search and rescue flights;
- (e) firefighting flights;
- (f) humanitarian flights;
- (g) emergency medical service flights;
- (h) flights performed exclusively under the visual flight rules set out in Annex 2 to the Chicago Convention;
- (i) flights terminating at the aerodrome from which the aircraft has taken off and during which no intermediate landing has been made;
- (j) training flights performed exclusively for the purpose of obtaining a licence, or a rating in the case of cockpit flight crew, provided that the flights do not serve for the transport of passengers or cargo;
- (k) flights performed exclusively for the purpose of scientific research partially or totally performed in-flight;

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- (l) flights performed exclusively for the purpose of checking, testing or certifying aircraft or equipment whether airborne or ground-based;
 - (m) flights performed by aircraft with a certified maximum take-off mass of less than 5,700 kilograms.
- (2) Excluded flights referred to in sub-paragraph (1)(a), (j), (k) and (l) do not include flights for the positioning or ferrying of the aircraft.
- (3) In this paragraph—
- “emergency medical service flights” means flights for the exclusive purpose of facilitating emergency medical assistance, where immediate and rapid transportation is essential, by carrying medical personnel, medical supplies, including equipment, blood, organs, drugs, or ill and injured persons and other persons directly involved;
 - “firefighting flights” means flights performed exclusively to combat wildfires;
 - “Government Ministers” are the members of the government as listed in the national official journal of the country concerned, excluding members of regional or local governments of a country;
 - “humanitarian flights” means flights operated exclusively for humanitarian purposes which carry relief personnel and relief supplies such as food, clothing, shelter, medical and other items during or after an emergency or disaster, or are used to evacuate persons from a place where their life or health is threatened by such emergency or disaster to a safe haven in the same State or another State willing to receive such persons;
 - “immediate family” comprises exclusively the spouse, any partner considered as equivalent to the spouse, the children and the parents;
 - “military flights” means flights directly related to the conduct of military activities and performed by military aircraft;
 - “official mission” means a mission in which the person concerned is acting in an official capacity;
 - “search and rescue flights” means flights offering search and rescue services, including the performance of distress monitoring, communication, coordination and search and rescue functions, initial medical assistance or medical evacuation, through the use of public and private resources, including cooperating aircraft, vessels and other craft and installations.