
STATUTORY INSTRUMENTS

2021 No. 1146

The Republic of Belarus (Sanctions) (EU
Exit) (Amendment) (No. 2) Regulations 2021

PART 5

Aircraft sanctions

Aircraft

21. After Part 5 (Trade), insert—

“PART 5A

Aircraft

Movement of aircraft

29A.—(1) The Secretary of State may direct the CAA to—

- (a) refuse permission under article 250 of the ANO in respect of Belarusian aircraft;
- (b) refuse permission under article 252 of the ANO in respect of Belarusian aircraft;
- (c) suspend or revoke any permission granted under article 250 of the ANO in respect of Belarusian aircraft;
- (d) suspend or revoke any permission granted under article 252 of the ANO in respect of Belarusian aircraft.

(2) Air traffic control may direct the operator or pilot in command of a Belarusian aircraft—

- (a) not to enter the airspace over the United Kingdom;
- (b) to leave the airspace over the United Kingdom by a specified route.

(3) The Secretary of State may direct air traffic control to give directions under paragraph (2).

(4) An airport operator may direct the operator or pilot in command of a Belarusian aircraft not to land, or not to permit the aircraft to land, at an airport.

(5) The Secretary of State may direct an airport operator to give directions under paragraph (4).

Directions under regulation 29A

29B.—(1) Paragraphs (3) to (5) apply in relation to a direction given under regulation 29A (movement of aircraft).

(2) A direction under regulation 29A(5) may be given to any airport operator or to airport operators generally.

(3) A person to whom a direction is given has a duty to comply with it.

(4) A direction may be of indefinite duration or a defined duration.

(5) A person who gives a direction may vary, revoke or suspend it at any time.

Directions under regulation 29A: supplementary

29C.—(1) Where a direction is given under regulation 29A(1)(c) or (d)—

(a) to the extent that the direction conflicts with the requirements of article 255 of the ANO (revocation etc. of permissions), those requirements are to be disregarded, and

(b) article 255(4) of the ANO does not apply in relation to the revocation which is the subject of the direction.

(2) Where a direction is given under regulation 29A which conflicts with a permission under article 250 of the ANO, the permission is to be disregarded.

(3) In so far as a direction under regulation 29A conflicts with the requirements of section 93 of the Transport Act 2000(1) or of an order under section 94 of that Act, the direction is to be disregarded.

(4) In so far as a direction under regulation 29A conflicts with the requirements of an enactment other than section 93 of the Transport Act 2000 or an order under section 94 of that Act, the requirements are to be disregarded.

(5) The Secretary of State may notify a person that the existence, any part of the content of a direction under regulation 29A, or anything done under the direction, is to be treated as confidential.

(6) A person must not disclose any information which the Secretary of State has notified that person under paragraph (5) is to be treated as confidential.

Offences

29D.—(1) It is an offence for an airport operator to fail, without reasonable excuse, to comply with a direction given by the Secretary of State under regulation 29A(5) (directions to airport operators).

(2) It is an offence for a person to whom a direction is given under regulation 29A(4) (direction by airport operator to operator or pilot of aircraft) to fail to comply with the direction.

(3) It is an offence for a person to whom a direction is given under regulation 29A(2) (direction by air traffic control to operator or pilot of Belarusian aircraft) to fail to comply with the direction.

(4) A person who contravenes the prohibition in regulation 29C(6) (disclosure of confidential information) commits an offence.

Interpretation of Part 5A

29E.—(1) In this Part—

“air traffic control” means a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000 (air traffic services);

“the ANO” means the Air Navigation Order 2016⁽²⁾;

“beneficial interest” means any beneficial interest, however arising (whether held by trustee or nominee or arising under a contract or otherwise), other than an interest held by any person as mortgagee;

“Belarusian aircraft” means an aircraft—

- (a) owned, chartered or operated by a person connected with Belarus, or
- (b) registered in Belarus;

“specified” means specified in a direction under regulation 29A.

(2) For the purposes of paragraph (a) of the definition of “Belarusian aircraft”, an aircraft is “owned” by a person if—

- (a) the legal title to the aircraft, or to any share in the aircraft, is vested in the person,
or

- (b) the person has a beneficial interest in the aircraft or in any share in the aircraft,
and the reference to a legal title or other interest includes one held jointly with any other person or persons.

(3) Any expression used in this Part and in section 6 of the Act (aircraft sanctions) has the same meaning in this Part as it has in that section.”

⁽²⁾ S.I. 2016/765, as amended by S.I. 2017/1112; S.I. 2018/623; S.I. 2018/1160; S.I. 2018/1392; S.I. 2019/261; S.I. 2019/645; S.I. 2020/1555; and S.I. 2021/879.