
STATUTORY INSTRUMENTS

2009 No. 3015

The Air Navigation Order 2009

PART 29

Public Transport and Aerial Work by Foreign Registered Aircraft

Restriction on carriage for valuable consideration in aircraft registered elsewhere than in the United Kingdom

223.—(1) An aircraft registered in a Contracting State other than the United Kingdom, or in a foreign country, 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 unless it complies with paragraph (2) or is exempt from this paragraph under paragraph (3).

(2) This paragraph is complied with if the operator or the charterer of the aircraft or the Government of the country in which the aircraft is registered has been granted a permission by the Secretary of State under this article and any conditions subject to which such permission may be subject are complied with.

(3) An aircraft is exempt from the requirement to comply with paragraph (1) if it is exercising traffic rights permitted by Chapter III of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24th September 2008 on common rules for the operation of air services in the Community⁽¹⁾.

(4) No operator or charterer of an aircraft which is required to comply with paragraph (2) may hold itself out as a person who may offer to take on board or discharge any passenger or cargo in the United Kingdom for valuable consideration except in accordance with—

- (a) a permission granted under this article; and
- (b) any conditions to which such a permission may be subject.

(5) Paragraph (4) does not apply to any person who reasonably believes that they will hold such a permission by the time the relevant flight is made.

Filing and approval of tariffs

224.—(1) If a permission granted under article 223(2) contains a tariff provision and the Secretary of State so requires, the operator or charterer of the aircraft concerned must file with the CAA the tariff which it proposes to apply on flights to which the said permission relates and the CAA must consider the proposed tariff and may approve or disapprove it.

(2) In this article, ‘tariff provision’—

- (a) means a condition as to any of the following matters—
 - (i) the price to be charged for the carriage of passengers, baggage or cargo on flights to which a permission granted under article 223(2) relates;

(1) O.J. No. L 293, 31.10.08, p. 3.

- (ii) any additional goods, services or other benefits to be provided in connection with such carriage;
 - (iii) the prices, if any, to be charged for any such additional goods, services or benefits; and
 - (iv) the commission, or rates of commission, to be paid in relation to the carriage of passengers, baggage or cargo; and
- (b) includes any condition as to the applicability of any such price, the provision of any such goods, services or benefits or the payment of any such commission or of commission at any such rate.
- (3) The CAA acts on behalf of the Crown in performing the functions conferred on it by this article.

Restriction on aerial photography, aerial survey and aerial work in aircraft registered elsewhere than in the United Kingdom

225. An aircraft registered in a Contracting State other than the United Kingdom, or in a foreign country, must not fly over the United Kingdom for the purpose of aerial photography or aerial survey (whether or not valuable consideration is given or promised for the flight or the purpose of the flight) or for the purpose of any other form of aerial work unless—

- (a) it has the permission of the Secretary of State granted under this article to the operator or the charterer of the aircraft; and
- (b) it complies with any conditions to which that permission may be subject.