
STATUTORY INSTRUMENTS

2009 No. 41

The Operation of Air Services in
the Community Regulations 2009

PART 2

Leased aircraft

Registration of aircraft

14.—(1) For the purposes of Article 12(1) of the EC Regulation the Secretary of State must decide whether aircraft used by an air carrier that holds an operating licence issued by the CAA are to be registered in the United Kingdom national register or within the Community.

(2) The CAA must, at the request of the Secretary of State, publish in its Official Record the decision taken by the Secretary of State under paragraph (1).

(3) The CAA is the competent licensing authority for the United Kingdom for the purposes of Article 12(2).

Approval for and restriction on use of leased aircraft

15. The Secretary of State is the competent licensing authority for the purposes of granting an approval under Article 13(3) of the EC Regulation, for determining whether one of the conditions set out in Article 13(3)(b) is fulfilled and for the purposes of Article 13(4).

16. The CAA is the competent licensing authority for the purposes of granting safety approvals in accordance with Article 13(2) and for the purposes of Article 13(3)(a) of the EC Regulation.

17.—(1) Save as provided in paragraph (3), where this paragraph applies the CAA must, subject to any conditions it thinks fit, issue an approval to an air carrier that holds an operating licence that it has granted.

(2) Paragraph (1) applies where such an air carrier intends to enter into—

- (a) a dry lease agreement as lessor,
- (b) a dry lease agreement as lessee in circumstances where the CAA is satisfied that the aircraft may be used safely, or
- (c) a wet lease agreement in respect of an aircraft registered in the Community as lessee with a Community air carrier.

(3) No approval is required under paragraph (1) where the CAA is required to approve the use of an aircraft pursuant to Annex III of Council Regulation (EEC) No 3922/91 of 16th September 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation⁽¹⁾.

(1) OJ No. L 373, 31.12.91, p. 4. Annex III was inserted by Commission Regulation (EC) No 8/2008 of 11th December 2007 amending Council Regulation (EEC) No 3922/91 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane, OJ No. L 10, 12.1.08, p. 1.

18.—(1) Subject to paragraph (2), an operating licence is not valid for the purpose of enabling an air carrier that holds an operating licence granted by the CAA to use an aircraft that is not registered according to the decision of the Secretary of State under regulation 14.

(2) Paragraph (1) does not apply where—

- (a) a Community air carrier has obtained prior approval for the use of an aircraft pursuant to a dry lease agreement or a wet lease agreement in accordance with regulation 17 or Article 13 of the EC Regulation, or
- (b) by virtue of regulation 17(3) an approval is not required.

Offences relating to leased aircraft

19. An air carrier which without reasonable excuse fails to obtain the necessary approval for the use of a leased aircraft is guilty of an offence.

20. An air carrier which without reasonable excuse fails to comply with conditions of any necessary approval is guilty of an offence.

21. For the purposes of regulations 19 and 20 the necessary approval is the approval specified in regulation 17 or in Article 13(3) of the EC Regulation.