
STATUTORY INSTRUMENTS

2019 No. 855

The Russia (Sanctions) (EU Exit) Regulations 2019

[^{F1}PART 6A

Aircraft

Textual Amendments

- F1** Pt. 6A inserted (8.3.2022 at 5.00 p.m.) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 6\) Regulations 2022 \(S.I. 2022/241\)](#), regs. 1(2), 9

Movement of aircraft

- 57J.**—(1) A Russian aircraft must not—
- (a) overfly the United Kingdom, or
 - (b) land in the United Kingdom.
- (2) Paragraph (1) is subject to regulation 61B (aircraft: exceptions from prohibitions).
- (3) Air traffic control may direct the operator or pilot in command of a Russian aircraft—
- (a) not to enter the airspace over the United Kingdom, or
 - (b) to leave the airspace over the United Kingdom by a specific route.
- (4) The Secretary of State may direct air traffic control to give a direction under paragraph (3).
- (5) An airport operator may direct the operator or pilot in command of a Russian aircraft—
- (a) not to take off, or not to permit the aircraft to take off, from an airport the operator manages,
 - (b) to take off, or to require the aircraft to take off, from an airport the operator manages, or
 - (c) not to land, or not to permit the aircraft to land, at an airport the operator manages.
- (6) The Secretary of State may direct an airport operator to—
- (a) give a direction under paragraph (5),
 - (b) secure the detention of a Russian aircraft at an airport, or
 - (c) secure the movement of a Russian aircraft to an airport specified in the direction.
- (7) An airport operator giving a direction under paragraph (5)(a) must take such steps as are reasonably practicable to detain the aircraft.
- (8) The Secretary of State may issue directions providing for exceptions to paragraph (1), (3) or (5).
- (9) The Secretary of State may direct the CAA to—
- (a) refuse permission under article 250 of the ANO in respect of a Russian aircraft,
 - (b) refuse permission under article 252 of the ANO in respect of a Russian aircraft,

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- (c) suspend or revoke any permission granted under article 250 of the ANO in respect of a Russian aircraft, or
 - (d) suspend or revoke any permission granted under article 252 of the ANO in respect of a Russian aircraft.
- (10) In this regulation “Russian aircraft” means an aircraft—
- (a) owned, chartered or operated by—
 - (i) a designated person, or
 - (ii) a person connected with Russia, or
 - (b) registered in Russia.
- (11) In paragraph (10), a “designated person” means a person who is designated under regulation 5 (power to designate persons) for the purposes of either this regulation or regulation 57M (registration of an aircraft in the United Kingdom).

Directions under regulation 57J

57K.—(1) Paragraphs (2) to (4) apply in relation to a direction given under regulation 57J (movement of aircraft).

- (2) A person to whom a direction is given has a duty to comply with it.
- (3) A direction may be of indefinite duration or a defined duration.
- (4) A person who gives a direction may vary, revoke or suspend it at any time.
- (5) A direction under regulation 57J(6) may be given to any airport operator or to airport operators generally.
- (6) Any directions made by the Secretary of State under regulation 57J may make different provision for different purposes.
- (7) Any directions in regulation 57J(3) to (9) are subject to the exceptions in regulation 61B (aircraft: exceptions from prohibitions).

Directions under regulation 57J: supplementary

57L.—(1) Where a direction is given under regulation 57J(9)(c) or (d) (movement of aircraft: direction to CAA)—

- (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 57J which conflicts with a permission under article 250 or 252 of the ANO, the permission is to be disregarded.
- (3) In so far as a direction under regulation 57J conflicts with the requirements of section 93 of the Transport Act 2000 or an order under section 94 of that Act, the direction is to be disregarded.
- (4) In so far as a direction under regulation 57J 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, those requirements are to be disregarded.
- (5) The Secretary of State may notify a person that the existence of, or any part of the content of, a direction under regulation 57J, or anything done under the direction, is to be treated as confidential.
- (6) A person must not disclose any information if the Secretary of State notifies that person under paragraph (5) that the information is to be treated as confidential.

Registration of an aircraft in the United Kingdom

57M.—(1) The CAA must refuse to register an aircraft if, on the basis of the information given to the CAA by the applicant, the Secretary of State or a third person, the aircraft appears to be a relevant aircraft.

(2) The Secretary of State may direct the CAA to terminate the registration of a relevant aircraft.

(3) In so far as a direction under paragraph (2) conflicts with the provisions of Part 3 (Registration and marking) of the ANO, those provisions are to be disregarded.

(4) For the purposes of this regulation “relevant aircraft” means—

- (a) an aircraft owned or operated by a designated person, or
- (b) an aircraft chartered by demise by a designated person.

(5) Any reference in this regulation to registering an aircraft is a reference to registering an aircraft in the register kept by the CAA.

(6) In paragraph (4), a “designated person” means a person who is designated under regulation 5 (power to designate persons) for the purposes of either this regulation or regulation 57J (movement of aircraft).

Offences

57N.—(1) If a prohibition in regulation 57J(1) (movement of aircraft) is contravened by the flight or landing of a Russian aircraft, the operator and pilot in command of the aircraft commit an offence.

(2) 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 57J(6).

(3) It is an offence for a person to whom a direction is given under regulation 57J(3) (direction by air traffic control to operator or pilot of Russian aircraft) to fail to comply with the direction.

(4) It is an offence for a person to whom a direction is given under regulation 57J(5) (direction by airport operator to operator or pilot of Russian aircraft) to fail to comply with the direction.

(5) A person who contravenes the prohibition in regulation 57L(6) (disclosure of direction) commits an offence.

Interpretation of Part 6A

57O.—(1) In this Part—

“air traffic control” means a person who holds a licence under section 5 of the Transport Act 2000;

“the ANO” means the Air Navigation Order 2016;

“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;

“Russian aircraft” means an aircraft—

- (a) owned, chartered or operated by—
 - (i) a designated person, or
 - (ii) a person connected with Russia, or
 - (b) registered in Russia;
- (2) For the purposes of this Part 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

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(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) For the purposes of this Part a person is to be regarded as “connected with” Russia if the person is—

- (a) an individual who is, or an association or combination of individuals who are, ordinarily resident in Russia,
- (b) an individual who is, or an association or combination of individuals who are, located in Russia,
- (c) a person, other than an individual, which is incorporated or constituted under the law of Russia, or
- (d) a person, other than an individual, which is domiciled in Russia.

(4) 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.]

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