
STATUTORY INSTRUMENTS

2007 No. 3468

The Air Navigation (Overseas Territories) Order 2007

PART XVII

GENERAL

Commercial air transport and aerial work – general rules

157.—(1) Aerial work means any purpose (other than commercial air transport) for which an aircraft is flown if valuable consideration is given or promised in respect of the flight or the purpose of the flight.

(2) If the only such valuable consideration consists of remuneration for the services of the pilot the flight shall be deemed to be a private flight for the purposes of Part II.

(3) An aircraft in flight shall for the purposes of this Order be deemed to fly for the purposes of commercial air transport—

- (a) if valuable consideration is given or promised for the carriage of passengers or cargo in the aircraft on that flight;
- (b) if any passengers or cargo are carried gratuitously in the aircraft on that flight by an air transport undertaking, not being persons in the employment of the undertaking (including, in the case of a body corporate, its directors) and persons with the authority of the Governor either making any inspection or witnessing any training, practice or test for the purposes of this Order, or cargo intended to be used by any such passengers as aforesaid, or by the undertaking; or
- (c) for the purposes of Part II (other than articles 15(2) and 16(2)), if valuable consideration is given or promised for the primary purpose of conferring on a particular person the right to fly the aircraft on that flight (not being a single-seat aircraft of which the maximum total weight authorised does not exceed 910 kg) otherwise than under a hire-purchase or conditional sale agreement.

(4) Notwithstanding that an aircraft may be flying for the purpose of commercial air transport by reason of paragraph (3)(c), it shall not be deemed to be flying for the purpose of the commercial air transport of passengers unless valuable consideration is given for the carriage of those passengers.

(5) A glider shall not be deemed to fly for the purpose of commercial air transport for the purposes of Part II by virtue of paragraph (3)(c) if the valuable consideration given or promised for the primary purpose of conferring on a particular person the right to fly the glider on that flight is given or promised by a member of a flying club and the glider is owned or operated by that flying club.

(6) Notwithstanding the giving or promising of valuable consideration specified in subparagraph (3)(c) in respect of the flight or the purpose of the flight it shall—

- (a) subject to subparagraph (b), for all purposes other than Part II; and
- (b) for the purposes of articles 15(2) and 16(2);

be deemed to be a private flight.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(7) Where under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member thereof on the other hand, a person is carried in or is given the right to fly an aircraft in such circumstances that valuable consideration would be given or promised if the transaction were effected otherwise than aforesaid, valuable consideration shall, for the purposes of this Order, be deemed to have been given or promised, notwithstanding any rule of law as to such transactions.

(8) For the purposes of paragraph (3)(a), there shall be disregarded any valuable consideration given or promised in respect of a flight or the purpose of a flight by one company to another company which is—

- (a) its holding company,
- (b) its subsidiary; or
- (c) another subsidiary of the same holding company.

(9) For the purposes of this article “holding company” and “subsidiary” have the meanings respectively specified in Section 736 of the Companies Act 1985⁽¹⁾.

(1) 1985 c.6 as amended by section 144 of the Companies Act 1989 (c.40).