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STATUTORY INSTRUMENTS

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**2007 No. 3468**

**The Air Navigation (Overseas Territories) Order 2007**

PART XVII

GENERAL

**Commercial air transport and aerial work – exception for flying displays etc.**

**158.**—(1) A flight shall, for the purposes of Part III of this Order, be deemed to be a private flight if—

- (a) the flight is—
  - (i) wholly or principally for the purpose of taking part in an aircraft race, contest or flying display;
  - (ii) for the purpose of positioning the aircraft for such a flight as is specified in sub-paragraph (i) and is made with the intention of carrying out such a flight; or
  - (iii) for the purpose of returning after such a flight as is specified in sub-paragraph (i) to a place at which the aircraft is usually based; and
- (b) the only valuable consideration in respect of the flight or the purpose of the flight other than—
  - (i) valuable consideration specified at article 157(3)(c), or
  - (ii) in the case of an aircraft owned in accordance with article 162(2), valuable consideration which falls within article 162 (3);

falls within paragraph (2)(a) or (2)(b) or both.

(2) Valuable consideration falls within this paragraph if it either is—

- (a) that given or promised to the owner or operator of an aircraft taking part in such a race, contest or flying display and such valuable consideration does not exceed the direct costs of the flight and a contribution to the annual costs of the aircraft which contribution shall bear no greater proportion to the total annual costs of the aircraft than the duration of the flight bears to the annual flying hours of the aircraft; or
- (b) one or more prizes awarded to the pilot-in-command of an aircraft taking part in an aircraft race or contest to a value which shall not exceed £500 in respect of any one race or contest except with the permission in writing of the Governor granted to the organiser of the race or contest which permission may be granted subject to such conditions as the Governor thinks fit.

(3) Any prize falling within paragraph (2)(b) shall be deemed for the purposes of this Order not to constitute remuneration for services as a pilot.