
STATUTORY INSTRUMENTS

2007 No. 3468

The Air Navigation (Overseas Territories) Order 2007

PART XVII

GENERAL

Commercial air transport and aerial work – exception for cost sharing

160.—(1) A flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight falls within paragraph (2) and the criteria in paragraph (3) are satisfied.

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

- (a) valuable consideration specified at article 157(3)(c);
- (b) in the case of an aircraft owned in accordance with article 162(2), valuable consideration which falls within article 162(3); or
- (c) a contribution to the direct costs of the flight otherwise payable by the pilot-in-command;

or falls within any two or all three sub-paragraphs.

(3) The criteria in this paragraph are satisfied if—

- (a) no more than 4 persons (including the pilot) are carried on such a flight;
- (b) the proportion which the contribution referred to in paragraph (2)(c) bears to the total direct costs of the flight shall not exceed the proportion which the number of persons carried on the flight (excluding the pilot) bears to the number of persons carried on the flight (including the pilot);
- (c) no information concerning the flight shall have been published or advertised prior to the commencement of the flight other than, in the case of an aircraft operated by a flying club, advertising wholly within the premises of such a flying club in which case all the persons carried on such a flight who are aged 18 years or over shall be members of that flying club; and
- (d) no person acting as a pilot on such a flight shall be employed as a pilot by or be a party to a contract for the provision of services as a pilot with the operator of the aircraft being flown on the flight.

(4) If valuable consideration specified in article 157(3)(c) is given or promised the flight shall for the purposes of Part II of this Order (other than articles 15(2) and 16(2)) be deemed to be for the purposes of commercial air transport.