
STATUTORY INSTRUMENTS

2009 No. 3015

The Air Navigation Order 2009

PART 32

Application of the Order

Extra-territorial effect of the Order(1)

247.—(1) Except where the context otherwise requires, the provisions of this Order, in so far as they apply (whether by express reference or otherwise)—

- (a) to aircraft registered in the United Kingdom, apply to such aircraft wherever they may be; and
- (b) to such other aircraft when they are within the United Kingdom or on or in the neighbourhood of an offshore installation.

(2) Except where the context otherwise requires, the provisions of this Order in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything—

- (a) by persons in, or by any of the crew of, any aircraft registered in the United Kingdom, apply to such persons and crew, wherever they may be;
- (b) in relation to any aircraft registered in the United Kingdom by other persons, where such persons are Commonwealth citizens, British protected persons or citizens of the Republic of Ireland, apply to them wherever they may be; and
- (c) in relation to any aircraft on or in the neighbourhood of an offshore installation, apply to every person irrespective of their nationality or, in the case of a body corporate, of the law under which it was incorporated and wherever that person or body may be.

(3) Nothing in this article is to be construed as extending to make any person guilty of an offence in any case in which it is provided by section 3(1) of the British Nationality Act 1948(2) that that person will not be guilty of an offence.

Aircraft in transit over certain United Kingdom territorial waters

248.—(1) This article applies to any aircraft which is registered elsewhere than in the United Kingdom when flying over the territorial waters adjacent to the United Kingdom within any part of a strait specified in Schedule 14.

(2) If an aircraft is flying solely for the purpose of continuous and expeditious transit of the strait, only the articles and Schedules specified in paragraph (3) apply to that aircraft.

(3) The articles and Schedules referred to in paragraph (2) are—

- (a) article 39 and Schedule 5 to the extent necessary for the monitoring of the appropriate distress radio frequency;

(1) Paragraph 6 of Part III of Schedule 13 to the Civil Aviation Act 1982 c.16, as amended by section 101 of the Energy Act 2004 c.20, authorises the inclusion in an Air Navigation Order of certain extra-territorial provisions.

(2) 1948 c.56. Section 3(1) limits the criminal liability of certain persons who are not citizens of the United Kingdom and colonies.

- (b) article 160(2), (3), and (4) and the regulations made under that article;
- (c) article 241 and Part B of Schedule 13; and
- (d) article 242.

(4) The powers conferred by the provisions referred to in paragraph (3) may not be exercised in a way which would hamper the transit of the strait by an aircraft registered elsewhere than in the United Kingdom, but without prejudice to action needed to secure the safety of aircraft.

(5) In this article—

‘transit of the strait’ means overflight of the strait from an area of high seas at one end of the strait to an area of high seas at the other end, or flight to or from an area of high seas over some part of the strait for the purpose of entering, leaving or returning from a State bordering the strait; and

‘an area of high seas’ means any area outside the territorial waters of any State.

Application of Order to British-controlled aircraft registered elsewhere than in the United Kingdom

249.—(1) The CAA may direct that such of the provisions of this Order and of any regulations made or having effect under this Order as may be specified in the direction have effect as if reference in those provisions to aircraft registered in the United Kingdom included references to the aircraft specified in the direction.

(2) A direction under paragraph (1) may only specify an aircraft registered elsewhere than in the United Kingdom but for the time being under the management of a person who, or of persons each of whom, is qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the United Kingdom.

Application of Order to the Crown

250.—(1) Subject to the provisions of this article, the provisions of this Order apply to or in relation to aircraft belonging to or exclusively employed in the service of Her Majesty as they apply to or in relation to other aircraft.

(2) For the purposes of such application, the Department or other authority for the time being responsible on behalf of Her Majesty for the management of the aircraft is deemed to be the operator of the aircraft and, in the case of an aircraft belonging to Her Majesty, to be the owner of the interest of Her Majesty in the aircraft.

(3) Nothing in this article renders liable to any penalty any Department or other authority responsible on behalf of Her Majesty for the management of any aircraft.

Application of the Order to visiting forces

251.—(1) This article applies to the naval, military and air force authorities and members of any visiting force and any international headquarters and the members and property held or used for the purpose of such a force or headquarters.

(2) Except as otherwise expressly provided in this Order, every body and person and any property to which this article applies is exempt from the provisions of this Order and of any regulations made under this Order to the same extent as if it formed part of the forces of Her Majesty raised in the United Kingdom and for the time being serving there.

Application of the Order to military aircraft

252.—(1) Except as otherwise provided by paragraph (2), and articles 144(2), 160(1)(a), 162(7) and (17) and 215, nothing in this Order applies to or in relation to any military aircraft.

(2) If a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of that person's duty as a member of any of Her Majesty's naval, military or air forces or as a member of a visiting force or international headquarters, the provisions specified in paragraph (3) apply to that flight.

(3) The provisions referred to in paragraph (2) are articles 137, 138, 139 and 161 and in addition article 160 (so far as applicable) applies unless the aircraft is flown in compliance with Military Flying Regulations (Joint Service Publication 550) or Flying Orders to Contractors (Aviation Publication 67) issued by the Secretary of State.

Exceptions from application of provisions of the Order for certain classes of aircraft

253.—(1) This article applies to—

- (a) any small balloon;
- (b) any kite weighing not more than two kg;
- (c) any small unmanned aircraft; and
- (d) any parachute including a parascending parachute.

(2) Subject to paragraph (3), nothing in this Order applies to or in relation to an aircraft to which this article applies.

(3) Articles 131, 138, 161, 163, 164, 165, 166, 167, 232 except 232(2)(a) and 255 apply to or in relation to an aircraft to which this article applies.

Saving

254.—(1) Subject to articles 211, 212 and 214, nothing in this Order or any regulations made under this Order confers any right to land in any place as against the owner of the land or any other persons interested in the land.

(2) Nothing in this Order obliges the CAA to accept an application from the holder of any current certificate, licence, approval, permission, exemption or other document, being an application for the renewal of that document, or for the grant of another document in continuation of or in substitution for the current document, if the application is made more than 60 days before the current document is due to expire.