



Miscellaneous

No: 1554

Air Navigation Order 2016

Publication date: 28 July 2022

General Exemption E 5761

Sharing of the Direct Costs of a Flight by up to Six People

Background

- 1) This General Exemption replaces previous Exemption 1406 with regard to allowing flights in non-Part 21 aircraft to take advantage of the more permissive 'cost sharing' rules for Part 21 aircraft, as described in Article 6 (4a) of UK Regulation (EU) No. 965/2012 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018.

Interpretation

- 2) In this exemption, references to EU regulations are to those regulations as retained and amended in UK domestic law under the European Union (Withdrawal) Act 2018 and are referenced as "UK Regulation (EU) No. year/number" or "UK Regulation (EU) No. number/year".
- 3) In this Exemption,
 - a) the "Order" means the Air Navigation Order 2016 (as amended)
 - b) the "CAA" means the Civil Aviation Authority

Exemption

- 4) The CAA, pursuant to Article 266 of the Order, hereby exempts, subject to the specified conditions, any aircraft, its pilot in command or operator from the requirement to comply with any provision of the Order which applies only to a public transport or commercial operation flight and not to a non-commercial flight.
- 5) This exemption is granted subject to the following conditions:
 - a) This exemption only applies to flights that are not subject to the UK Regulation (EU) No. 965/2012.
 - b) This exemption is only applicable to flights conducted within the London or Scottish Flight Information Regions.
 - c) All provisions of the Order applicable to a non-commercial flight must be complied with.
 - d) The only valuable consideration given or promised for the flight or purpose of the flight is a contribution to the direct costs of the flight otherwise payable by the pilot in command.

- e) No more than six persons (including the pilot) are carried.
 - f) The direct costs of the flight are shared by all the occupants of the aircraft including the pilot.
 - g) The flight is operated by a Private Individual.
- 6) This exemption supersedes Official Record Series 4 No. 1406, which is revoked.

Date in Force

- 7) This exemption has effect from the date it is signed until 31 July 2024, both dates inclusive, unless previously revoked.

M D Shortman
for the Civil Aviation Authority

28 July 2022

Explanatory Note:

This General Exemption is issued to align Article 13 (2)(a) of the Order with those rules described in Article 6 (4a) of UK Regulation (EU) No.965/2012.

“Part 21 aircraft” means an aircraft which is required to hold a UK Certificate of Airworthiness or a UK restricted Certificate of Airworthiness by the UK Basic Regulation (UK Regulation EU 2018/1139) and any implementing rules adopted by the UK in accordance with that Regulation.

‘Non-Part 21 aircraft’ means an aircraft which holds a UK Certificate of Airworthiness or a UK Permit to Fly issued in accordance with the ANO.

These are cost-shared flights by private individuals, on the condition that the direct cost is shared by all the occupants of the aircraft, pilot included and the number of persons sharing the direct costs is limited to six.

The term ‘Private Individual’ in the context of cost-shared flights, refers to pilots, who may also be the operator, and who must be a private individual, i.e. not an organisation or company etc.

“Direct costs” means the cost (excluding any element of profit) directly incurred in relation to a flight, including:

- a) the cost of fuel;
- b) any charges payable in respect of the use of any airfield in connection with the flight; or
- c) any rental or hire fees for the use of the aircraft.