

I have been offered a flight as a passenger during a trial lesson. Is this legal?

There is nothing in law to prevent the carriage of non-paying passengers on an instructional flight, apart, of course, from solo flights by a student pilot. If the only payment made is for carriage of the trainee pilot under instruction, the flight is classed as aerial work, and no AOC is needed. However, if any passenger has paid to be carried, the flight is classed as public transport, and is illegal unless the operator holds an AOC.

What should I do if I'm offered a flight that I'm not sure about?

If you wish to check the validity of the details that you are given, visit the CAA website.

However, if a provider cannot furnish you with the relevant AOC name and number, do not book the flight. Contact the CAA at the e-mail address below with the details and we will clarify the AOC status for you, and if need be, contact the company concerned to ensure they are aware of the requirements.

What about foreign operators and aircraft?

The registration marks of UK-registered aircraft commence with a G (eg: G-ABCD). Those of foreign-registered aircraft start with other letters or numbers (eg: USA: N; France: F). Note that UK AOC holders may, in certain circumstances, operate foreign-registered aircraft.

Equivalent legal requirements to those described above also apply to foreign operators. However, each State is responsible for overseeing the safety of operators whose principal place of business is within their territory, and for granting the appropriate AOC and other documentation. Each State then has arrangements in place through which foreign-registered aircraft and operators are permitted to fly into, within, and from their territory.

An operator holding an AOC issued by an EU member State is permitted to operate freely into and between any other EU member States. However, operators registered outside the EU need to apply to each relevant State separately for permission to operate. In the UK, these permissions are handled by the Department for Transport (DfT).

In both cases, there are international arrangements in place through which the safety standards of foreign operators are monitored. All operators must comply with international safety standards before being permitted to operate commercially to/from or within the UK.

How do I know if the foreign operator on which I am offered a flight holds an AOC?

Again, ask the organisation through whom you are booking the flight. This may be a broker, an agent, or even your own employer. Take particular care in the case of foreign-registered corporate aircraft. If you are not satisfied, contact the Department for Transport on the numbers listed below:

For airlines from Russia and other former Soviet Union States (except Baltic States), countries in Asia, including the Indian sub-continent, and the Far East, Australasia
tel: **020 7944 5804** or **5848**

For airlines from North America, Central America, South America and the Caribbean
tel: **020 7944 5849** or **5848**

For airlines from Europe (inc the Baltic States and Turkey), Africa and the Middle East
tel: **020 7944 5806** or **5847**

In conclusion

Though the vast majority of flights - particularly to, within and from the UK and EU - are operated in accordance with an Air Operator's Certificate (AOC) which is a legal requirement, there are unscrupulous operators who choose to circumvent the system. It is very much in passengers' interests to avoid being carried aboard illegal flights. Compliance with the higher safety standards demanded of AOC holders is expensive but any short-term cost advantage to the passenger in lower fares can so easily be outweighed should any accident or incident occur.

Contact the CAA

You can check a UK AOC online at:
www.caa.co.uk/aocholders

You can also e-mail a question to
fod.admin@caa.co.uk

www.caa.co.uk



Is my flight legal? A guide to the Air Operator's Certificate



If you are paying for a flight make sure it's legal. There are serious safety and legal implications if it is not.

The vast majority of flights – particularly to, within and from the UK and EU – are operated in accordance with an Air Operator's Certificate (AOC) which is a legal requirement. This includes the budget operators that offer low-fare airline flights. But passengers paying to be flown in corporate, ex-military, helicopters, balloons or light aircraft should take particular care to ensure their operator holds an AOC. Most will, but the minority of uncertificated operators should be identified and avoided.

What is an Air Operator's Certificate (AOC)?

A document that an organisation or individual is required to hold prior to operating public transport (also known as commercial air transport) flights. For UK operators, it is issued by the UK Civil Aviation Authority (CAA). This means that if you as the passenger are asked to contribute in any way (not only financially) towards the cost of the flight, the flight is likely to be for the purposes of public transport, and the operator of the flight is legally required to hold such a Certificate.

There are some exceptions to this requirement. For example, an AOC is not required for:

- Some flights conducted to raise money for charities
- Some flights where the costs are shared between the pilot and up to three passengers
- Some flights where the passengers are joint owners of the aircraft.

It is important to note that the contributions can include methods of payment other than money, e.g. free advertising or payment in kind. If you are unsure if your flight is deemed to be public transport, please contact the CAA via the address below.

What does holding an AOC mean?

Companies or individuals wishing to carry fare-paying passengers have to complete a thorough process by which they satisfy the CAA that they are 'competent to secure the safe operation of aircraft'. The CAA reviews the applicant's operations manual, and audits such areas as management and organisational competence, crew training, aircraft maintenance, aircraft loading, flight planning and fuel planning amongst many other matters. And it doesn't stop there! Once an AOC is granted, the operation is subject to a programme of continuing surveillance.

Do AOCs just apply to airlines? What about corporate jets, ex-military and light aircraft?

AOCs are required for any public transport flight, whether in an "airliner", a corporate jet, an ex-military type, a helicopter, balloon or a small, single-engined light aircraft.

How do I find out if the company or individual offering the flight holds an AOC?

This is very simple. Ask the company for the name of the AOC holder and the number on the document. Then if you wish to verify that the details are correct, refer to the CAA website: www.caa.co.uk/aocholders

The company or individual offering the flights may sometimes be brokers and not the flight's operator. They will be offering to arrange the flight rather than operate it themselves. However, the operator of the flight must hold an AOC, and the broker should be able to provide you with the name of the operator.

I have been offered a cheaper flight by a non-AOC holder. Why shouldn't I take it?

First, any operator not holding an AOC will not have undergone the rigorous operational safety oversight of the CAA. The pilots may be licensed, but subject to a much less onerous training and testing regime than that applicable to public transport operations. The crews' working hours may be much less tightly regulated. The aircraft – which may appear clean and smart - may even be properly maintained, but to a much less demanding schedule, and may be operated to considerably less demanding standards than for public transport flights.

Second, conducting an illegal flight may have serious consequences for the certification of the aircraft itself and may invalidate any otherwise applicable insurance cover, including the passengers' own life insurance.

In recent years there have been a number of successful prosecutions of the operators of illegal public transport flights.

What about trial lessons?

A 'trial lesson' is simply a first lesson which may or may not be followed by subsequent lessons. It follows that it is an instructional flight and should be conducted as such; and an abbreviated exercise such as 'effects of controls' or 'straight and level' should be taught. Instructional flights are not public transport, but aerial work, and are not subject to public transport regulations, so no AOC is required.