

Guidance

Night flight dispensations

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This guidance provides airport managers and airline operators with greater clarity on the use of night flight dispensations.

It sets out an expectation that from the summer 2024 season the airport manager will write and publish a letter to the Secretary of State for Transport regarding dispensations granted at their airport that season. Further detail on this letter can be found below.

The remaining changes to the guidance come into effect from the start of the winter season of 2024 to 2025.

The [existing night flight dispensation guidance, \(PDF\)](https://assets.publishing.service.gov.uk/media/5fca6562e90e0762ae0f6a22/annex-f-guidelines-on-dispensations.pdf) (<https://assets.publishing.service.gov.uk/media/5fca6562e90e0762ae0f6a22/annex-f-guidelines-on-dispensations.pdf>) remains in place and should be continually followed until the winter season of 2024 to 2025.

Guidelines on flights that may be given dispensation from night restrictions

This guidance is intended to provide greater clarity on the use of dispensations by covering situations that have arisen during the current regime – it does not cover every conceivable situation. It also takes account of responses we received to questions asked about dispensations in our 2020 to 2021 consultation.

Under Section 78(5)(f) of the Civil Aviation Act 1982, the Secretary of State may by a notice given in the prescribed manner to the person managing an aerodrome determine that a particular occasion or series of occasions on which aircraft take off or land at the aerodrome shall be disregarded from the restrictions made under section 78(3). These may include night flight restrictions.

In addition, the Secretary of State has the power under Section 78 (4) of the Civil Aviation Act 1982 to specify in a notice circumstances when movements may be disregarded by airport managers, or a person authorised by the airport manager, from the restrictions made under Section 78(3). That person shall then determine whether a particular occasion or series of occasions when aircraft take off or land at the aerodrome should be disregarded from the night restrictions due to these circumstances. It is the duty of the person managing the aerodrome, or the person authorised by an airport manager, to notify the Secretary of State in writing within one week of every such occasion that occurs. It is important reporting is completed on time to ensure accuracy and transparency.

To increase transparency around the dispensation process, from the summer 2024 season, there will be a requirement for the airport manager to write and publish a letter to the Secretary of State for Transport setting out the following:

- reasons why the airport has had the dispensations recorded that season
- if they see dispensations for the same reasons being required in future equivalent seasons
- if so, why these dispensations would be justified

A: Section 78(5)(f) Dispensations under a notice given by the Secretary of State

As a general principle, dispensations issued under Section 78(5)(f) are used in relation to:

- state matters
- where dispensations are required as a result of a government decision
- where the circumstances are so exceptional that the airport's operations become an issue of national interest (for example, in the case of prolonged closure of the airport)
- other ad hoc flights considered in the national interest

Flights considered in the national interest may be related to major unplanned events affecting air travel (for example, a computer outage affecting air traffic control systems at multiple airports) or to major planned events (for example, the EURO 2020 football tournament).

Flights involving VIPs on official visits

Flights would include:

- senior members of the Royal Family
- UK government Ministers and Service Chiefs of Staff
- senior members of foreign Royal Families, Heads of State, and senior Ministers or Service Chiefs of Staff on an official visit or business where the person is being met by a government representative (status to be checked with the FCDO or MoD when in doubt)

Repositioning flights preceding or following the use of that aircraft for carriage of a VIP would not normally be disregarded and, therefore, not allowed if the

aircraft is classified as QC/4, QC/8, QC/16 - consistent with the ban on these types of aircraft in the night period.

For the avoidance of doubt, VIPs for this purpose would not include businesspersons on commercial or private jets, or 'celebrities' from the world of show business or sport.

Relief flights

These would include flights carrying cargoes such as medical supplies required urgently for the relief of suffering during a period of emergency – for example, during a refugee crisis or following an earthquake.

They would exclude medical or other supplies intended for humanitarian purposes where there is no particular urgency. It would also not include the carriage of the media and their associated equipment to trouble spots.

Military aircraft war/hostilities

Except at a time of war/hostilities, movements by military aircraft should not take place at night unless one of the following applies:

- the aircraft has been classified for night operation
- special approval has been given by the Department for Transport in exceptional circumstances such as security from escalated threats

In the past, dispensations have been given for troop movements through Heathrow where there has been an outbreak of war or similar hostilities, and this requires contingency arrangements. Dispensations would not be appropriate once airlines have had time to assess the situation and make alternative arrangements.

Exceptional circumstances

In the past, the Secretary of State has provided dispensations in exceptional circumstances to enable flights during the night quota period and to allow aerodromes to recover from prolonged disruption.

Examples include the:

- periods following the volcanic ash crisis in 2010
- severe prolonged winter weather in December 2010
- Gatwick Airport drone incident in December 2018

Dispensations will be considered in similar exceptional circumstances.

Changes to airspace arrangements due to government decisions

Where there is a temporary change in airspace as a result of government decisions with consequences for airline schedules, dispensations would be granted so as to protect airports/airlines from financial consequences of matters wholly beyond their control.

Past examples have included:

- flypasts on ceremonial occasions, such as for the King's Birthday
- Olympic celebrations where scheduled flights due to land or depart during the day were pushed into the night quota period

B: Section 78 (4) – Dispensations under a notice granted by the airport manager or a person authorised by the airport manager

As a general principle, dispensations issued under Section 78(4) should be used when they relate to operational matters that affect a small number of flights and the airport manager is better placed to take the decision. These dispensations are intended to cover abnormal and/or extraordinary circumstances, which are outside of the control of the airlines or the airport manager.

Dispensations should not be issued for flights that are scheduled to arrive or depart within the night quota period (23:30 to 06:00) but which are subsequently delayed and arrive or depart in a subsequent night quota period, as in this scenario, the flight is deemed to already have a night flight allocation.

For example, if a flight was scheduled to land at 05:50am on Monday but was heavily delayed and landed almost a day late, at 01:10am on Tuesday, the flight was always scheduled to use up a night-time movement if the landing had happened according to plan. Therefore, it would not be appropriate for this delayed flight to then be given a dispensation.

It is widely recognised within the aviation sector that providing an arrival or departure is within 15 minutes of its scheduled time, the flight is still considered to be technically 'on-time'. Some airlines choose to schedule operations very close to the start of the night quota period, which commences at 23:30. In such circumstances, a dispensation should not be granted for arrivals or departures that take place just into the night quota period when the movement is less than 15 minutes late.

Pre-emptive dispensations have been used previously to land flights early on poor weather days. This is to reduce the risk of delays during the airport's early morning busy hours, which could then have knock-on effects throughout the day, and possibly into the night period.

While recognising that the practice has been employed sparingly and in a controlled fashion this practice should not continue.

1. Emergencies

Flights involving emergencies (other than those constituting relief flights) where there is an immediate danger to life or health – whether human or animal.

For example, a flight is scheduled to land at 06:20am, but a passenger is taken ill during the journey, and it therefore becomes necessary to hasten the arrival. The flight subsequently lands at 05:50am, within the night quota period, where the emergency services are waiting. This flight would qualify for a night flight dispensation.

2. Widespread and prolonged air traffic disruption

Disruption to air traffic is intended to cover disruption affecting air traffic flow such as strikes by Air Traffic Controllers (ATC) or from political difficulties abroad or ATC computer problems. It would also cover disruptions to air traffic from strong winds, snow, ice and fog resulting in low visibility procedures.

Unscheduled landings in the night period arising from diversions from other airports due to weather conditions, provided an aircraft had taken off unaware that its intended destination was unavailable, would also be covered.

Problems arising from snow and ice should not in themselves constitute sufficient reason for dispensations, especially for departures. This is because the likelihood of adverse weather conditions should be considered in operations planning – however, see the [government exemption for exceptionally severe weather](#).

3. Delays as a result of disruption leading to serious hardship and congestion at the airfield or terminal

Delays would cover disruption to air traffic as set out under ‘widespread and prolonged air traffic disruption’. It would also cover emergencies – such as the fire to an aircraft on the ground at Heathrow in July 2013, which led to severe terminal disruption, or disruption caused by any hijacking activity.

It would not cover:

- strikes by baggage handlers because this is within the control of the airport
- delays that arise from additional security checks that should be considered when planning operations

Flight delays that occur due to staffing issues within air traffic control towers, for example, everyday sickness in the control tower, would not be covered, as this is deemed to be in the airport’s control. This is regardless of whether services are contracted to other ATC providers.

However, staff sickness at times of a national pandemic or emergency – such as COVID-19 – would be covered.

Disruptions are not abnormal and we believe adequate provision should be made within the airport’s night restrictions and operational measures – such as at Heathrow under tactically enhanced arrivals measures to help mitigate disruption and facilitate recovery and the need for dispensations. Operational difficulties cannot be precisely predicted but experience indicates they can be expected to occur.

Airport managers must use their own judgement to decide what constitutes serious hardship or suffering for the purposes of the above. Serious hardship or suffering is intended to cover cases when passengers are subjected to long delays when the terminal buildings are overcrowded, and their facilities strained, with insufficient hotel accommodation available. Only the minimum number of flights required to reduce overcrowding to a tolerable level should be disregarded.

Mere inconvenience to passengers does not constitute hardship for these purposes. The same considerations apply if serious hardship at an originating airport is the reason for disregarding a landing.

Delayed cargo flights (other than those that carry animals and meet one of the criteria above) and extra night shuttle flights to meet demand may not be disregarded for reasons of serious hardship and congestion. All these movements must count against the movements limit and the noise quota according to their QC classification.

Dispensations would not be appropriate when aircraft operators have reasonable time to rearrange their schedules and accordingly would fall outside the scope of these Section 78(4) dispensations. All dispensations in times of air traffic disruption (ATC, political crisis, weather-related) are NET. This means any movements scheduled for the night period but that do not occur (or occur in the daytime) because of that disruption must be offset against this, with only the excess counting as dispensations from the movement limits and the noise quotas.

Monitoring

All dispensations granted by the airport will be subject to monitoring by the Department for Transport.

Testing and calibration of instrument landing systems

Airborne safety calibration checks of the Instrument Landing Systems (ILS) used by arriving aircraft at the 3 London airports are carried out on behalf of the Civil Aviation Authority (CAA) usually twice a year and generally at night. Normally, the aircraft used for this purpose are exempt from the night restrictions – they are classified QC/0.

However, any landings and take offs for the purpose of testing the ILS or other navigation equipment, by aircraft classified QC/0.5 or above, are not given dispensations and would count against the movement limits and noise quotas. Such flights should fall outside the scope of this suggested dispensation.

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