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STATUTORY INSTRUMENTS

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**1989 No. 2395**

**The Air Navigation (Overseas Territories) Order 1989**

**PART I**

**REGISTRATION AND MARKING OF AIRCRAFT**

*Aircraft to be registered*

- 3.—(1) An aircraft shall not fly in or over the Territory unless it is registered in:
- (a) some part of the Commonwealth; or
  - (b) a Contracting State; or
  - (c) some other country in relation to which there is in force an agreement between Her Majesty's Government in the United Kingdom and the Government of that country which makes provision for the flight over the Territory of aircraft registered in that country:

Provided that:

- (i) a glider may fly unregistered, and shall be deemed to be registered in the Territory for the purposes of Articles 13, 14, 19 and 32 of this Order, on any flight which:
  - (a) begins and ends in the Territory without passing over any other country, and
  - (b) is not for the purpose of public transport or aerial work;
- (ii) any aircraft may fly unregistered on any flight which:
  - (a) begins and ends in the Territory without passing over any other country, and
  - (b) is in accordance with the "B Conditions" set forth in Schedule 2 to this Order;
- (iii) this paragraph shall not apply to any kite or captive balloon.

(2) If an aircraft flies over the Territory in contravention of paragraph (1) of this Article in such manner or circumstances that if the aircraft had been registered in the Territory an offence against this Order or any regulations made thereunder would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

*Registration of aircraft in the Territory*

4.—(1) The Governor shall be the authority for the registration of aircraft in the Territory. He may cause a register to be kept and may record therein the particulars specified in paragraph (7) of this Article in either a legible or a non-legible form, so long as the recording is capable of being reproduced in a legible form.

(2) Subject to the provisions of this Article, an aircraft shall not be registered or continue to be registered in the Territory if it appears to the Governor that:

- (a) the aircraft is registered outside the Territory and that such registration does not cease by operation of law upon the aircraft being registered in the Territory; or
- (b) an unqualified person holds any legal or beneficial interest by way of ownership in the aircraft or any share therein; or

- (c) the aircraft could more suitably be registered in some other part of the Commonwealth; or
- (d) it would be inexpedient in the public interest for the aircraft to be or to continue to be registered in the Territory.

(3) The following persons and no others shall be qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the Territory or a share therein:

- (a) the Crown in right of Her Majesty's Government in the United Kingdom or in right of the Government of the Territory;
- (b) Commonwealth citizens;
- (c) citizens of the Republic of Ireland;
- (d) British protected persons;
- (e) bodies incorporated in some part of the Commonwealth and having their principal place of business in any part of the Commonwealth;
- (f) firms carrying on business in Scotland.

In this sub-paragraph "firm" has the same meaning as in the Partnership Act 1890(1).

(4) If an unqualified person residing or having a place of business in the Territory holds a legal or beneficial interest by way of ownership in an aircraft, or a share therein, the Governor, upon being satisfied that the aircraft may otherwise be properly so registered, may register the aircraft in the Territory. The person aforesaid shall not cause or permit the aircraft, while it is registered in pursuance of this paragraph, to be used for the purpose of public transport or aerial work.

(5) If an aircraft is chartered by demise to a person qualified as aforesaid the Governor may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest therein, register the aircraft in the Territory in the name of the charterer upon being satisfied that the aircraft may otherwise be properly so registered, and subject to the provisions of this Article the aircraft may remain so registered during the continuation of the charter.

(6) Application for the registration of an aircraft in the Territory shall be made in writing to the Governor, and shall include or be accompanied by such particulars and evidence relating to the aircraft and the ownership and chartering thereof as he may require to enable him to determine whether the aircraft may properly be registered in the Territory and to issue the certificate referred to in paragraph (8) of this Article. In particular, the application shall include the proper description of the aircraft according to column 4 of the "General Classification of Aircraft" set forth in Part A of Schedule 1 to this Order.

(7) Upon receiving an application for the registration of an aircraft in the Territory and being satisfied that the aircraft may properly be so registered, the Governor shall register the aircraft, wherever it may be, and shall include in the register the following particulars:

- (a) the number of the certificate;
- (b) the nationality mark of the aircraft, and the registration mark assigned to it by the Governor;
- (c) the name of the constructor of the aircraft and its designation;
- (d) the serial number of the aircraft;
- (e)
  - (i) the name and address of every person who is entitled as owner to a legal interest in the aircraft or a share therein, or, in the case of an aircraft which is the subject of a charter by demise, the name and address of the charterer by demise; and
  - (ii) in the case of an aircraft registered in pursuance of paragraph (4) or (5) of this Article, an indication that it is so registered.

(8) The Governor shall furnish to the person in whose name the aircraft is registered (hereinafter in this Article referred to as “the registered owner”) a certificate of registration, which shall include the foregoing particulars and the date on which the certificate was issued:

Provided that the Governor shall not be required to furnish a certificate of registration if the registered owner is the holder of an aircraft dealer’s certificate granted under this Order who has made to the Governor and has not withdrawn a statement of his intention that the aircraft is to fly only in accordance with the conditions set forth in Part C of Schedule 1 to this Order, and in that case the aircraft shall fly only in accordance with those conditions.

(9) The Governor may grant to any person qualified as aforesaid an aircraft dealer’s certificate if he is satisfied that he has a place of business in the Territory for buying and selling aircraft.

(10) Subject to paragraphs (4) and (5) of this Article, if at any time after an aircraft has been registered in the Territory an unqualified person becomes entitled to a legal or beneficial interest by way of ownership in the aircraft or a share therein, the registration of the aircraft shall thereupon become void and the certificate of registration shall forthwith be returned by the registered owner to the Governor.

(11) Any person who is the registered owner of an aircraft registered in the Territory shall forthwith inform the Governor in writing of:

- (a) any change in the particulars which were furnished to the Governor upon application being made for the registration of the aircraft;
- (b) the destruction of the aircraft, or its permanent withdrawal from use;
- (c) in the case of an aircraft registered in pursuance of paragraph (5) of this Article, the termination of the demise charter.

(12) Any person who becomes the owner of an aircraft registered in the Territory shall within 28 days inform the Governor in writing to that effect.

(13) The Governor may, whenever it appears to him necessary or appropriate to do so for giving effect to this Part of this Order or for bringing up to date or otherwise correcting the particulars entered on the register, amend the register or, if he thinks fit, may cancel the registration of the aircraft, and shall cancel that registration if he is satisfied that there has been a change in the ownership of the aircraft.

(14) The Governor may, by regulations, adapt or modify the foregoing provisions of this Article as he deems necessary or expedient for the purpose of providing for the temporary transfer of aircraft to or from the Territory register, either generally or in relation to a particular case or class of cases.

(15) In this Article references to an interest in an aircraft do not include reference to an interest in an aircraft to which a person is entitled only by virtue of his membership of a flying club and the reference in paragraph (11) of this Article to the registered owner of an aircraft includes in the case of a deceased person, his legal personal representative, and in the case of a body corporate which has been dissolved, its successor.

(16) Nothing in this Article shall require the Governor to cancel the registration of an aircraft if in his opinion it would be inexpedient in the public interest to do so.

(17) The registration of an aircraft which is the subject of an undischarged mortgage entered in the Register of Aircraft Mortgages kept in the Territory pursuant to an Order in Council made under section 86 of the Civil Aviation Act 1982(2) which extends to the Territory shall not become void by virtue of paragraph (10) of this Article, nor shall the Governor cancel the registration of such an aircraft pursuant to this Article unless all persons shown in the Register of Aircraft Mortgages as mortgagees of that aircraft have consented to the cancellation.

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(18) The Governor shall, at such times and in such a manner as may from time to time be directed by the Civil Aviation Authority, transmit to the Civil Aviation Authority particulars of all registrations and of changes in or cancellations of registrations, entered in the register.

*Nationality and registration marks*

**5.—(1)** An aircraft (other than an aircraft permitted by or under this Order to fly without being registered) shall not fly unless it bears painted thereon or affixed thereto, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

(2) The marks to be borne by aircraft registered in the Territory shall comply with Part B of Schedule 1 to this Order.

(3) An aircraft shall not bear any marks which purport to indicate:

- (a) that the aircraft is registered in a country in which it is not in fact registered; or
- (b) that the aircraft is a State aircraft of a particular country if it is not in fact such an aircraft, unless the appropriate authority of that country has sanctioned the bearing of such marks.