
STATUTORY INSTRUMENTS

1989 No. 2395

The Air Navigation (Overseas Territories) Order 1989

PART III

AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT

Certificate of airworthiness to be in force

7.—(1) An aircraft shall not fly unless there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered, and any conditions subject to which the certificate was issued or rendered valid are complied with:

Provided that the foregoing prohibition shall not apply to flights, beginning and ending in the Territory without passing over any other country, of:

- (a) a glider, if it is not being used for the public transport of passengers or aerial work;
- (b) a balloon, if it is not being used for the public transport of passengers;
- (c) a kite;
- (d) an aircraft flying in accordance with the “A Conditions” or the “B Conditions” set forth in Schedule 2 to this Order;
- (e) an aircraft flying in accordance with the conditions of a permit to fly issued by the Governor in respect of that aircraft.

(2) In the case of an aircraft registered in the Territory the certificate of airworthiness referred to in paragraph (1) of this Article shall be a certificate issued or rendered valid in accordance with the provisions of Article 8 of this Order.

Issue, renewal, etc., of certificates of airworthiness

8.—(1) The Governor shall issue in respect of any aircraft a certificate of airworthiness if he is satisfied that the aircraft is fit to fly having regard to:

- (a) the design, construction, workmanship and materials of the aircraft (including in particular any engines fitted therein), and of any equipment carried in the aircraft which he considers necessary for the airworthiness of the aircraft; and
- (b) the results of flying trials, and such other tests of the aircraft as he may require:

Provided that, if the Governor has issued a certificate of airworthiness in respect of an aircraft which, in his opinion, is a prototype aircraft or a modification of a prototype aircraft, he may dispense with flying trials in the case of any other aircraft if he is satisfied that it conforms to such prototype or modification.

(2) Every certificate of airworthiness shall specify such categories as are, in the opinion of the Governor, appropriate to the aircraft in accordance with Schedule 3 to this Order and the certificate shall be issued subject to the condition that the aircraft shall be flown only for the purposes indicated in the said Schedule in relation to those categories.

(3) The Governor may issue the certificate of airworthiness subject to such other conditions relating to the airworthiness of the aircraft as he thinks fit.

(4) The certificate of airworthiness may designate the performance group to which the aircraft belongs for the purposes of the requirements referred to in Article 29(1) of this Order.

(5) The Governor may, subject to such conditions as he thinks fit, issue a date of validation rendering valid for the purposes of this Order a certificate of airworthiness issued in respect of any aircraft under the law of any country other than the Territory.

(6) Subject to the provisions of this Article and of Article 62 of this Order, a certificate of airworthiness or validation issued under this Article shall remain in force for such period as may be specified therein, and may be renewed from time to time by the Governor for such further period as he thinks fit.

(7) A certificate of airworthiness or a certificate of validation issued in respect of an aircraft shall cease to be in force:

- (a) if the aircraft, or such of its equipment as is necessary for the airworthiness of the aircraft is overhauled, repaired or modified, or if any part of the aircraft or of such equipment is removed or is replaced, otherwise than in a manner and with material of a type approved by the Governor either generally or in relation to a class of aircraft or to the particular aircraft; or
- (b) until the completion of any inspection of the aircraft or of any such equipment as aforesaid, being an inspection made for the purpose of ascertaining whether the aircraft remains airworthy and—
 - (i) classified as mandatory by the Governor; or
 - (ii) required by a maintenance schedule approved by the Governor in relation to that aircraft; or
- (c) until the completion to the satisfaction of the Governor of any modification of the aircraft or of any such equipment as aforesaid, being a modification required by the Governor for the purpose of ensuring that the aircraft remains airworthy.

(8) Without prejudice to any other provision of this Order the Governor may, for the purposes of this Article, accept reports furnished to him by a person whom he may approve, either absolutely or subject to such conditions as he thinks fit, as qualified to furnish such reports.

Certificate of maintenance review

9.—(1) An aircraft registered in the Territory in respect of which a certificate of airworthiness in either the transport or in the aerial work category is in force shall not fly unless:

- (a) the aircraft (including in particular its engines), together with its equipment and radio station, is maintained in accordance with a maintenance schedule approved by the Governor in relation to that aircraft;
- (b) there is in force a certificate (in this Order referred to as a “certificate of maintenance review”) issued in respect of the aircraft in accordance with the provisions of this Article and such certificate shall certify the date on which the maintenance review was carried out and the date thereafter when the next review is due.

(2) The approved maintenance schedule referred to in paragraph (1) of this Article shall specify the occasions on which a review must be carried out for the purpose of issuing a certificate of maintenance review.

(3) A certificate of maintenance review may be issued for the purposes of this Article only by:

- (a) the holder of an aircraft maintenance engineer’s licence:
 - (i) granted under this Order being a licence which entitles him to issue that certificate, or

- (ii) granted under the law of a country other than the Territory and rendered valid under this Order in accordance with the privileges endorsed on the licence, or
 - (iii) granted under the law of any country specified in Regulation 13 in Schedule 14 to this Order in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed, or
- (b) a person whom the Governor has authorised to issue a certificate of maintenance review in a particular case, and in accordance with that authority; or
 - (c) a person approved by the Governor as being competent to issue such certificates, and in accordance with that approval:

Provided that, in approving a maintenance schedule, the Governor may direct that certificates of maintenance review relating to that schedule, or to any part thereof specified in its direction, may be issued only by the holder of such a licence as is so specified.

(4) A person referred to in paragraph (3) of this Article shall not issue a certificate of maintenance review unless he has first verified that—

- (a) maintenance has been carried out on the aircraft in accordance with the maintenance schedule approved for that aircraft; and
- (b) inspections and modifications required by the Governor as provided in Article 8 of this Order have been completed as certified in the relevant certificate of release to service issued in accordance with Article 11 of this Order; and
- (c) defects entered in the technical log of the aircraft in accordance with Article 10 of this Order have been rectified or the rectification thereof has been deferred in accordance with procedures approved by the Governor; and
- (d) certificates of release to service have been issued in accordance with Article 11 of this Order;

and for this purpose the operator of the aircraft shall make available to that person such information as is necessary.

(5) A certificate of maintenance review shall be issued in duplicate. One copy of the most recently issued certificate shall be carried in the aircraft when Article 57 of this Order so requires, and the other shall be kept by the operator elsewhere than in the aircraft.

(6) Subject to the provisions of Article 61 of this Order, each certificate of maintenance review shall be preserved by the operator of the aircraft for a period of two years after it has been issued.

Technical log

10.—(1) A technical log shall be kept in respect of an aircraft registered in the Territory being an aircraft in respect of which a certificate of airworthiness in either the transport or in the aerial work category is in force.

(2) At the end of every flight by an aircraft to which the provisions of this Article apply the commander of the aircraft shall enter—

- (a) the times when the aircraft took off and landed; and
- (b) particulars of any defect which is known to him and which affects the airworthiness or safe operation of the aircraft, or if no such defect is known to him, an entry to that effect; and
- (c) such other particulars in respect of the airworthiness or operation of the aircraft as the Governor may require,

in a technical log, or, in the case of an aircraft of which the maximum total weight authorised does not exceed 2,730 kg. and which is not operated by a person who is the holder of or is required by

Article 6(1) of this Order to hold an air operator's certificate, in such other record as the Governor shall approve and he shall sign and date such entries:

Provided that in the case of a number of consecutive flights each of which begins and ends—

- (a) within the same period of 24 hours; and
- (b) at the same aerodrome, except where each such flight is for the purpose of dropping or projecting any material for agricultural, public health or similar purposes; and
- (c) with the same person as commander of the aircraft,

the commander of an aircraft may, except where he becomes aware of a defect during an earlier flight, make the entries as aforesaid in a technical log at the end of the last of such consecutive flights.

(3) Upon the rectification of any defect which has been entered in a technical log in accordance with paragraph (2) of this Article a person issuing a certificate of release to service required by Article 11 of this Order in respect of that defect shall enter the certificate in the technical log in such a position as to be readily identifiable with the defect to which it relates.

(4) The technical log referred to in this Article shall be carried in the aircraft when Article 57 of this Order so requires and copies of the entries referred to in this Article shall be kept on the ground:

Provided that, in the case of an aeroplane of which the maximum total weight authorised does not exceed 2,730 kg, or a helicopter, if it is not reasonably practicable for the copy of the technical log to be kept on the ground it may be carried in the aeroplane or helicopter, as the case may be, in a box approved by the Governor for that purpose.

Inspection, overhaul, repair, replacement and modification

11.—(1) Except as provided in paragraph (2) of this Article an aircraft registered in the Territory, being an aircraft in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force, shall not fly unless there is in force a certificate (in this Order referred to as a “certificate of release to service”) issued in accordance with this Article if the aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified, maintained, or has been inspected as provided in Article 8(7)(b) of this Order, as the case may be:

Provided that if a repair or replacement of a part of an aircraft or its equipment is carried out when the aircraft is at such a place that it is not reasonably practicable:

- (a) for the repair or replacement to be carried out in such a manner that a certificate of release to service can be issued under this Article in respect thereof; or
- (b) for such certificate to be issued while the aircraft is at that place,

it may fly to a place at which such certificate can be issued, being the nearest place—

- (i) to which the aircraft can, in the reasonable opinion of the commander thereof, safely fly by a route for which it is properly equipped; and
- (ii) to which it is reasonable to fly having regard to any hazards to the liberty or health of any person on board;

and in such case the commander of the aircraft shall cause written particulars of the flight, and the reasons for making it, to be given to the Governor within ten days thereafter.

(2) Nothing in paragraph (1) of this Article shall require a certificate of release to service to be in force in respect of an aircraft of which the maximum total weight authorised does not exceed 2,730 kg. and in respect of which a certificate of airworthiness of the special category is in force, unless the Governor gives a direction to the contrary in a particular case.

(3) Nothing in paragraph (1) of this Article shall prevent an aircraft in respect of which there is in force a certificate of airworthiness in the private or special categories and whose maximum total weight authorised does not exceed 2,730 kg. from flying if the only repairs or replacements in respect of which a certificate of release to service is not in force are of such a description as are specified in Regulation 15 in Schedule 14 to this Order and have been carried out personally by the owner or operator of the aircraft being the holder of a pilot's licence granted or rendered valid under this Order. In that event the owner or operator, as the case may be, of the aircraft, shall keep in the aircraft log book kept in respect of the aircraft pursuant to Article 15 of this Order a record which identifies the repair or replacement and shall sign and date the entries and, subject to the provisions of Article 61 of this Order, shall preserve the log book for the period specified in Article 15 of this Order. Any equipment or parts used in carrying out such repairs or replacements shall be of a type approved by the Governor whether generally or in relation to a class of aircraft or one particular aircraft.

(4) Neither—

- (a) equipment provided in compliance with Schedule 4 to this Order (except paragraph (3) thereof); nor
- (b) radio apparatus provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not such apparatus is provided in compliance with this Order or any regulations made thereunder,

shall be installed or placed on board for use in an aircraft registered in the Territory after being overhauled, repaired, modified or inspected, unless there is in force in respect thereof at the time when it is installed or placed on board a certificate of release to service issued in accordance with this Article.

(5) A certificate of release to service shall:

- (a) certify that the aircraft or any part thereof or its equipment has been overhauled, repaired, replaced, modified or maintained, as the case may be, in a manner and with material of a type approved by the Governor either generally or in relation to a class of aircraft or the particular aircraft and shall identify the overhaul, repair, replacement, modification or maintenance to which the certificate relates and shall include particulars of the work done;
- (b) certify in relation to any inspection required by the Governor that the aircraft or the part thereof or its equipment, as the case may be, has been inspected in accordance with the requirements of the Governor and that any consequential repair, replacement or modification has been carried out as aforesaid.

(6) A certificate of release to service may be issued for the purposes of this Article only by:—

- (a) the holder of an aircraft maintenance engineer's licence:
 - (i) granted under this Order, being a licence which entitles him to issue that certificate; or
 - (ii) granted under the law of a country other than the Territory and rendered valid under this Order, in accordance with the privileges endorsed on the licence; or
 - (iii) granted under the law of any country specified in Regulation 13 in Schedule 14 to this Order in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed; or
- (b) the holder of an aircraft maintenance engineer's licence or authorisation as such an engineer granted or issued by or under the law of and Contracting State other than the Territory in which the overhaul, repair, replacement, modification or inspection has been carried out, but only in respect of aircraft of which the maximum total weight authorised does not exceed 2,730 kg. and in accordance with the privileges endorsed on the licence; or
- (c) a person approved by the Governor as being competent to issue such certification, and in accordance with that approval; or

- (d) a person whom the Governor has authorised to issue the certificate in a particular case, and in accordance with that authority; or
- (e) in relation only to the adjustment and compensation of direct reading magnetic compasses, the holder of an Airline Transport Pilot's Licence (Aeroplanes), a Senior Commercial Pilot's Licence (Aeroplanes) or a Flight Navigator's Licence granted or rendered valid under this Order.

(7) Subject to the provisions of Article 61 of this Order, a certificate of release to service shall be preserved by the operator of the aircraft to which it relates for the period of time for which he is required to preserve the log book relating to the same part of the aircraft or to the same equipment or apparatus as the case may be.

(8) In this Article, the expression "repair" includes in relation to a compass the adjustment and compensation thereof and the expression "repaired" shall be construed accordingly.

Licensing of maintenance engineers

12.—(1) The Governor shall grant aircraft maintenance engineers' licences, subject to such conditions as he thinks fit, upon his being satisfied that the applicant is a fit person to hold the licence and has furnished such evidence and passed such examinations and tests as the Governor may require of him for the purpose of establishing that he has sufficient knowledge, experience, competence and skill in aeronautical engineering.

(2) An aircraft maintenance engineer's licence shall authorise the holder, subject to such conditions as may be specified in the licence, to issue:

- (a) certificates of maintenance review in respect of such aircraft as may be so specified;
- (b) certificates of release to service in respect of such overhauls, repairs, replacements, modifications, maintenance and inspections of such aircraft and such equipment as may be so specified; or
- (c) certificates of fitness for flight under "A Conditions" in respect of such aircraft as may be so specified.

(3) A licence shall, subject to the provisions of Article 62 of this Order, remain in force for the period specified therein, not exceeding five years, but may be renewed by the Governor from time to time upon his being satisfied that the applicant is a fit person and is qualified as aforesaid.

(4) The Governor may issue a certificate rendering valid for the purposes of this Order any licence as an aircraft maintenance engineer granted under the law of any country other than the Territory. Such certificate may be issued subject to such conditions, and for such period, as the Governor thinks fit.

(5) Upon receiving a licence granted under this Article, the holder shall forthwith sign his name thereon in ink with his ordinary Signature.

(6) Without prejudice to any other provision of this Order the Governor may, for the purpose of this Article, either absolutely or subject to such conditions as he thinks fit:—

- (a) approve any course of training or instruction;
- (b) authorise a person to conduct such examinations or tests as he may specify;
- (c) approve a person to provide or conduct any course of training or instruction; and
- (d) approve a person as qualified to furnish reports to him and to accept such reports.

Equipment of aircraft

13.—(1) An aircraft shall not fly unless it is so equipped as to comply with the law of the country in which it is registered, and to enable lights and markings to be displayed, and signals to be made in accordance with this Order and any regulations made thereunder.

(2) In the case of aircraft registered in the Territory the equipment required to be provided (in addition to any other equipment required by or under this Order) shall be that specified in such parts of Schedule 4 to this Order as are applicable in the circumstances and shall comply with the provisions of that Schedule. The equipment, except that specified in paragraph (3) of the said Schedule, shall be of a type approved by the Governor either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(3) In any particular case the Governor may direct that an aircraft registered in the Territory shall carry such additional or special equipment or supplies as he may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations, or the survival of the persons carried in the aircraft.

(4) The equipment carried in compliance with this Article shall be so installed or stowed and kept stowed, and so maintained and adjusted, as to be readily accessible and capable of being used by the person for whose use it is intended.

(5) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft. In particular in every public transport aircraft registered in the Territory there shall be:—

- (a) provided individually for each passenger; or
- (b) if the Governor so permits in writing, exhibited in a prominent position in every passenger compartment—

a notice relevant to the aircraft in question containing pictorial:—

- (i) instructions on the brace position to be adopted in the event of an emergency landing;
- (ii) instructions on the method of use of the safety belts and safety harnesses as appropriate;
- (iii) information as to where emergency exits are to be found and instructions as to how they are to be used;
- (iv) information as to where the life-jackets, escape slides, life-rafts and oxygen masks, if required to be provided by paragraph (2) of this Article, are to be found and instructions as to how they are to be used.

(6) All equipment installed or carried in an aircraft, whether or not in compliance with this Article, shall be so installed or stowed and kept stowed and so maintained and adjusted as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

(7) Without prejudice to paragraph (2) of this Article, all navigational equipment (other than radio apparatus) of any of the following types, namely:

- (a) equipment capable of establishing the aircraft's position in relation to its position at some earlier time by computing and applying the resultant of the acceleration and gravitational forces acting upon it, and
- (b) equipment capable of establishing automatically the altitude and relative bearing of selected celestial bodies,

when carried in an aircraft registered in the Territory (whether or not in compliance with this Order or any regulations made thereunder) shall be of a type approved by the Governor either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(8) This Article shall not apply in relation to radio apparatus except that specified in Schedule 4 to this Order.

Radio equipment of aircraft

14.—(1) An aircraft shall not fly unless it is so equipped with radio and radio navigation equipment as to comply with the law of the country in which the aircraft is registered and to enable communications to be made and the aircraft to be navigated, in accordance with the provisions of this Order including, in particular, Schedule 14 hereto.

(2) Without prejudice to paragraph (1) of this Article, the aircraft shall be equipped with radio and radio navigation equipment in accordance with Schedule 5 to this Order.

(3) In any particular case the Governor may direct that an aircraft registered in the Territory shall carry such additional or special radio or radio navigation equipment as he may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of the persons carried in the aircraft.

(4) Subject to such exceptions as may be prescribed the radio and radio navigation equipment provided in compliance with this Article in an aircraft registered in the Territory shall always be maintained in serviceable condition.

(5) All radio and radio navigation equipment installed in an aircraft registered in the Territory or carried on such an aircraft for use in connection with the aircraft (whether or not in compliance with this Order or any regulations made thereunder) shall be of a type approved by the Governor in relation to the purpose for which it is to be used, and shall, except in the case of a glider which is permitted by Article 3(1) of this Order to fly unregistered, be installed in a manner approved by the Governor. Neither the equipment nor the manner in which it is installed shall be modified except with the approval of the Governor.

Aircraft, engine and propeller log books

15.—(1) In addition to any other log books required by or under this Order, the following log books shall be kept in respect of aircraft registered in the Territory—

- (a) an aircraft log book; and
- (b) a separate log book in respect of each engine fitted in the aircraft; and
- (c) a separate log book in respect of each variable pitch propeller fitted to the aircraft.

The log books shall include the particulars respectively specified in Schedule 6 to this Order and in the case of an aircraft having a maximum total weight authorised not exceeding 2,730 kg. shall be of a type approved by the Governor.

- (a) (2) (a) Each entry in the log book, other than such an entry as is referred to in sub-paragraphs 2(d)(ii) or 3(d)(ii) of Schedule 6 to this Order, shall be made as soon as practicable after the occurrence to which it relates, but in no event more than 7 days after the expiration of the certificate of maintenance review (if any) in force in respect of the aircraft at the time of the occurrence;
- (b) Each entry in the log book, being such an entry as is referred to in sub-paragraphs 2(d)(ii) or 3(d)(ii) of Schedule 6 to this Order shall be made upon each occasion that any maintenance, overhaul, repair, replacement, modification or inspection is undertaken on the engine or propeller as the case may be.

(3) Entries in a log book may refer to other documents, which shall be clearly identified, and any other documents so referred to shall be deemed, for the purposes of this Order, to be part of the log book.

(4) It shall be the duty of the operator of every aircraft in respect of which log books are required to be kept as aforesaid to keep them or cause them to be kept in accordance with the foregoing provisions of this Article.

(5) Subject to the provisions of Article 61 of this Order every log book shall be preserved by the operator of the aircraft until a date two years after the aircraft, the engine or the variable pitch propeller, as the case may be, has been destroyed or has been permanently withdrawn from use.

Aircraft weight schedule

16.—(1) Every flying machine and glider in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force shall be weighed, and the position of its centre of gravity determined, at such times and in such manner as the Governor may require or approve in the case of that aircraft.

(2) Upon the aircraft being weighed as aforesaid the operator of the aircraft shall prepare a weight schedule showing—

- (a) either the basic weight of the aircraft, that is to say, the weight of the aircraft empty together with the weight of unusable fuel and unusable oil in the aircraft and of such items of equipment as are indicated in the weight schedule, or such other weight as may be approved by the Governor in the case of that aircraft; and
- (b) either the position of the centre of gravity of the aircraft when the aircraft contains only the items included in the basic weight or such other position of the centre of gravity as may be approved by the Governor in the case of that aircraft.

(3) Subject to the provisions of Article 61 of this Order the weight schedule shall be preserved by the operator of the aircraft until the expiration of a period of 6 months following the next occasion on which the aircraft is weighed for the purposes of this Article.

Access and inspection for airworthiness purposes

17. The Governor may cause such inspections, investigations, tests, experiments and flight trials to be made as he deems necessary for the purposes of this Part of this Order and any person authorised to do so in writing by the Governor may at any reasonable time inspect any part of, or material intended to be incorporated in or used in the manufacture of any part of, an aircraft or its equipment or any documents relating thereto and may for that purpose go upon any aerodrome or enter any aircraft factory.