
STATUTORY INSTRUMENTS

1991 No. 1697

CIVIL AVIATION

**The Air Navigation (Overseas Territories)
(Amendment) (No. 2) Order 1991**

<i>Made</i>	- - - -	<i>24th July 1991</i>
<i>Laid before Parliament</i>		<i>1st August 1991</i>
<i>Coming into force</i>	- -	<i>22nd August 1991</i>

At the Court at Buckingham Palace, the 24th day of July 1991

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 8, 41, 57, 58, 59 and 61 of the Civil Aviation Act 1949(1), as extended to certain territories by the Civil Aviation Act 1949 (Overseas Territories) Order 1969(2), as amended by section 62 of the Civil Aviation Act 1971(3) as so extended by the Civil Aviation Act 1971 (Overseas Territories) Order 1976(4), and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:

Citation and commencement

1.—(1) This Order may be cited as the Air Navigation (Overseas Territories) (Amendment) (No. 2) Order 1991.

(2) This Order shall come into force on 22nd August 1991.

Amendment of the Air Navigation (Overseas Territories) Order 1989

2. The Air Navigation (Overseas Territories) Order 1989(5) as amended by the Air Navigation (Overseas Territories) (Amendment) Order 1991(6) shall be further amended as follows:

(1) In Article 5(3) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

(1) 1949 c. 67.
(2) S.I.1969/592.
(3) 1971 c. 75.
(4) S.I. 1976/1912.
(5) S.I. 1989/2395.
(6) S.I. 1991/189.

- “(a) that the aircraft is registered in a country in which it is not in fact registered, provided that marks approved by the Governor for the purposes of flight in accordance with the ‘B Conditions’ contained in Schedule 2 to this Order shall be deemed not to indicate that the aircraft is so registered; or”.
- (2) In Article 8 for paragraph (8) there shall be substituted the following paragraph—
- “(8) Nothing in this Order shall oblige the Governor to accept an application for the issue of a certificate of airworthiness or validation or for the variation or renewal of any such certificate when the application is not supported by such reports from such approved persons as the Governor may specify (either generally or in a particular case or class of cases).”.
- (3) In Article 20(1)(d) for the words “paragraph (2)” there shall be substituted the words “paragraph (1A)”.
- (4) After Article 31 there shall be added the following new Article—

“Non-public transport aircraft—aerodrome operating minima

31A.—(1) This Article shall apply to any aircraft which is not a public transport aircraft.

(2) An aircraft to which this Article applies when making a descent at an aerodrome to a runway in respect of which there is a notified instrument approach procedure shall not descend below 1000 feet above the height of the aerodrome if the relevant runway visual range for that runway is at the time less than the specified minimum for landing.

(3) An aircraft to which this Article applies when making a descent to a runway in respect of which there is a notified instrument approach procedure shall not:

- (a) continue an approach to landing on such a runway by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height;

unless in either case the specified visual reference for landing is established from such height and is maintained.

(4) In this Article “specified” in relation to aerodrome operating minima means such particulars of aerodrome operating minima as have been notified in respect of the aerodrome or if the relevant minima have not been notified such minima as are ascertainable by reference to the notified method for calculating aerodrome operating minima.”.

- (5) In Article 37—
- (a) in paragraph (4) for sub-paragraph (b)(ii) there shall be substituted the following sub-paragraph—
 - “(ii) the last 5 hours of recording or the duration of the last flight, whichever is the greater (together hereinafter referred to in this Article as the ‘required recording’), together with an additional period of recording for either:—
 - (aa) the period immediately preceding the required recording, or
 - (bb) such period or periods as the Governor may permit in any particular case or class of cases generally.”;
 - (b) for paragraph (5) there shall be substituted the following paragraph—
 - “(5) The additional recording retained pursuant to sub-paragraphs (b)(ii) (aa) or (bb) of paragraph (4) above shall, together with the required recording, total a period of 8 hours and shall be retained in accordance with arrangements approved by the Governor.”.
- (6) For the heading to Article 64 there shall be substituted the following—
- “Rules of the air”

(7) In Article 64 —

(a) for paragraph (1) there shall be substituted the following paragraph—

“(1) The Governor may make rules of the air supplementary to, but not inconsistent with, the Rules of the Air contained in Schedule 13 to this Order.”;

(b) in paragraph (2) for the words “and Air Traffic Control” there shall be substituted the words “contained in Schedule 13 to this Order.”;

(c) in paragraphs (3), (4) and (5) respectively the words “and Air Traffic Control” shall be deleted;

(d) paragraph (6) shall be deleted.

(8) After Article 64 there shall be added the following new Articles—

“Provision of air traffic services

64A.—(1) No person shall provide an air traffic control service otherwise than under and in accordance with the terms of an approval granted to him by the Governor, and the Governor shall grant an approval to any person applying therefore if he is satisfied that the person is competent, having regard to his organisation, staffing, equipment, maintenance and other arrangements, to provide a service which is safe for use by aircraft.

(2) The person in charge of an aerodrome (other than a Government aerodrome) in respect of which there is equipment for providing holding aid, let-down aid or approach aid by radio or radar shall:

(a) inform the Governor in advance of periods during and times at which any such equipment is to be in operation for the purpose of providing such aid as is specified by the said person; and

(b) during any period and at such times as so notified, cause an air traffic control service to be provided for any aircraft which is flying in, or in the vicinity of, the aerodrome traffic zone whether or not it is flying by visual reference to the surface.

(3) The Governor may direct that there shall be provided in respect of any aerodrome (other than a Government aerodrome) such air traffic control service, aerodrome flight information service or means of two-way radio communication as the Governor considers appropriate in respect thereof. The Governor may specify in his direction the periods during and the times at which such a service or such means shall be provided and the person in charge of the aerodrome shall cause such a service or such means to be provided in accordance with any such direction.

(4) Obligations to cause an air traffic control service to be provided arising under paragraphs (2) or (3) are without prejudice to each other.

Use of radio call signs at aerodromes

64B. The person in charge of an aerodrome provided with means of two-way radio communication shall not cause or permit any call sign to be used for a purpose other than a purpose for which that call sign has been notified.”.

(9) In Article 99(7) for sub-paragraph (a)(iii) and the provisos thereto there shall be substituted the following—

“(iii) for the purposes of Part III of this Order, if hire or reward is given or promised for the right to fly the aircraft on that flight (not being a single-seater aircraft of which the maximum total weight authorised does not exceed 910kg. and in respect of which a certificate of airworthiness of the Special Category is in force) otherwise than under a hire-purchase or conditional sale agreement;

and the expression “public transport of Passengers” shall be construed accordingly:

Provided that, notwithstanding that an aircraft may be flying for the purpose of public transport by reason of sub-paragraph (a)(iii) of this paragraph, it shall not be deemed to be flying for the purpose of the public transport of Passengers unless hire or reward is given for the carriage of those Passengers.

Provided also that a glider shall not be deemed to fly for the purpose of public transport for the purposes of Part III of this Order by virtue of sub-paragraph (a)(iii) of this paragraph is the hire or reward given or promised for the primary purpose of conferring on a particular person the right to fly the glider on that flight is given or promised by a member of a flying club and the glider is owned or operated by that flying club.”.

(10) In Schedule 4—

(a) in paragraph 4 for the part of the Table numbered (8) there shall be substituted the following—

“(8) Aeroplanes—

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- | | | | |
|-----|--|--|--------------|
| (a) | which are turbo-jets and which have a maximum total weight authorised exceeding 22,700kg.; or | when flying by night for the purpose of the public transport of Passengers | Z(i)and (ii) |
| (b) | having a maximum total weight authorised exceeding 5,700kg. and which conform to a type for which a certificate of airworthiness was first applied for (whether in the Territory or elsewhere) after 30th April 1972 but not including any aeroplane which in the opinion of the Governor is identical in all matters affecting the provision of emergency evacuation facilities to an aeroplane for which a certificate of airworthiness was first applied for before that date; or | when flying by night for the purpose of the public transport of Passengers | Z(i)and (ii) |
| (c) | which in accordance with the certificate of | when flying by night for the purpose of the public transport of Passengers | Z(i) |

- airworthiness in force in respect thereof may carry more than 19 Passengers; or
- (d) having when flying for the purpose Z(iii)
a maximum total of the public transport of
weight authorised Passengers
exceeding 5,700kg.
and which conform
to a type for
which a certificate
of airworthiness
was first applied
for (whether in
the Territory or
elsewhere) after 30th
April 1972 but
not including an
aeroplane which in
the opinion of
the Governor is
identical in all
matters affecting
the provision of
emergency
evacuation facilities
to an aeroplane for
which a certificate
of airworthiness was
first applied for
before that date; or
- (e) which are turbo- when flying for the purpose Z(iii)
jetsand which have of the public transport of
a maximum total Passengers
weight authorised
exceeding
22,700kg.; or
- (f) first issued when flying for the purpose Z(iii)”;
with a type of the public transport of
certificate (whether Passengers
in the Territory or
elsewhere) on or
after 1st January
1958 and which
in accordance with
the certificate of
airworthiness in
force in respect
thereof may carry

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more than 19
Passengers.

(b) in paragraph 4 for the part of the Table numbered (10) there shall be substituted the following—

“(10) Helicopters and Gyroplanes—

-
- (a) having when flying by night for the Z(i)and (ii)
a maximum total purpose of the public transport
weight authorised of Passengers
exceeding
5,700kg.,and which
conform to a type for
which a certificate
of airworthiness
was first applied
for (whether in
the Territory or
elsewhere) after
30th April 1972
but not including
any helicopter or
gyroplane which in
the opinion of
the Governor is
identical in all
matters affecting
the provision of
emergency
evacuation facilities
to a helicopter
or gyroplane for
which a certificate
of airworthiness was
first applied for
before that date; or
- (b) which, in when flying by night for the Z(i)
accordance with purpose of the public transport
the certificate of of Passengers
airworthiness in
force in respect
thereof, may carry
more than 19
Passengers; or
- (c) which have when flying on any flight S
a certificate of beginning on or after 1st
airworthiness issued January 1991 but before 1st
in the Transport August 1992
Category (Passenger
or Cargo) and
which have either
a maximum total

weight authorised exceeding 2,730kg., or which may carry more than 9 Passengers; or

- (d) in respect of when flying on any flight on SS(i) or (iii) which there is in or after 31st July 1992 force a certificate of airworthiness issued in the Transport Category (Passenger or Cargo) and helicopters and gyroplanes in respect of which application has been made and not withdrawn or refused for such a certificate of airworthiness and which fly under the “A” conditions or which have a certificate of airworthiness in the Special Category and
- (i) which have a maximum weight authorised exceeding 2,730 kg. but not exceeding 7,000 kg. or which in accordance with the certificate of airworthiness in force in respect thereof may carry more than 9 Passengers or both; or
 - (ii) which have a maximum total weight authorised exceeding 7,000kg. when flying on any flight on SS(ii) or (iii)”; or after 31st July 1992

(c) in paragraph 5 in Scale SS the words “as appropriate” appearing before the proviso at the end of sub-paragraph (iii) shall be deleted.

(11) For Schedule 7 there shall be substituted the following new Schedule—

“SCHEDULE 7

Article 18(4)

AREAS SPECIFIED IN CONNECTION WITH THE CARRIAGE OF FLIGHT
NAVIGATORS AS MEMBERS OF THE FLIGHT CREWS OR APPROVED
NAVIGATIONAL EQUIPMENT ON PUBLIC TRANSPORT AIRCRAFT

The following areas are hereby specified for the purposes of Article 18(4) of this Order:—

Area A—Arctic

All that area north of latitude 68° north, but excluding any part thereof within the area enclosed by rhumb lines joining successively the following points:

- 68° north latitude 00° east/west longitude
- 73° north latitude 15° east longitude
- 73° north latitude 30° east longitude
- 68° north latitude 45° east longitude
- 68° north latitude 00° east/west longitude

Area B—Antarctic

All that area south of latitude 55° south.

Area C—Sahara

All that area enclosed by rhumb lines joining successively the following points:

- 30° north latitude 05° west longitude
- 24° north latitude 11° west longitude
- 14° north latitude 11° west longitude
- 14° north latitude 28° east longitude
- 24° north latitude 28° east longitude
- 28° north latitude 23° east longitude
- 30° north latitude 15° east longitude
- 30° north latitude 05° west longitude

Area D —(deleted)(7)

Area E—South America

All that area enclosed by rhumb lines joining successively the following points:

- 04° north latitude 72° west longitude
- 04° north latitude 60° west longitude
- 08° south latitude 42° west longitude
- 18° south latitude 54° west longitude
- 18° south latitude 60° west longitude
- 14° south latitude 72° west longitude

(7) The former Area D was an area in the Arabian Desert.

05° south latitude 76° west longitude

04° north latitude 72° west longitude

Area F—Pacific Ocean

All that area enclosed by rhumb lines joining successively the following points:

60° north latitude 180° east/west longitude

20° north latitude 128° east longitude

04° north latitude 128° east longitude

04° north latitude 180° east/west longitude

55° south latitude 180° east/west longitude

55° south latitude 82° west longitude

25° south latitude 82° west longitude

60° north latitude 155° west longitude

60° north latitude 180° east/west longitude

Area G—Australia

All that area enclosed by rhumb lines joining successively the following points:

18° south latitude 123° east longitude

30° south latitude 118° east longitude

30° south latitude 135° east longitude

18° south latitude 123° east longitude

Area H—Indian Ocean

All that area enclosed by rhumb lines joining successively the following points:

35° south latitude 110° east longitude

55° south latitude 180° east/west longitude

55° south latitude 10° east longitude

40° south latitude 10° east longitude

25° south latitude 60° east longitude

20° south latitude 60° east longitude

05° south latitude 43° east longitude

10° north latitude 55° east longitude

10° north latitude 73° east longitude

04° north latitude 77° east longitude

04° north latitude 92° east longitude

10° south latitude 100° east longitude

10° south latitude 110° east longitude

35° south latitude 110° east longitude

Area I—North Atlantic Ocean

All that area enclosed by rhumb lines joining successively the following points:

- 55° north latitude 15° west longitude
- 68° north latitude 28° west longitude
- 68° north latitude 60° west longitude
- 45° north latitude 45° west longitude
- 40° north latitude 60° west longitude
- 40° north latitude 19° west longitude
- 55° north latitude 15° west longitude

Area J—South Atlantic Ocean

All that area enclosed by rhumb lines joining successively the following points:

- 40° north latitude 60° west longitude
- 18° north latitude 60° west longitude
- 05° south latitude 30° west longitude
- 55° south latitude 55° west longitude
- 55° south latitude 10° east longitude
- 40° south latitude 10° east longitude
- 02° north latitude 05° east longitude
- 02° north latitude 10° west longitude
- 15° north latitude 25° west longitude
- 40° north latitude 19° west longitude
- 40° north latitude 60° west longitude

Area K—Northern Canada

All that area enclosed by rhumb lines joining successively the following points:

- 68° north latitude 130° west longitude
- 55° north latitude 115° west longitude
- 55° north latitude 70° west longitude
- 68° north latitude 60° west longitude
- 68° north latitude 130° west longitude

Area L—Northern Asia

All that area enclosed by rhumb lines joining successively the following points:

- 68° north latitude 56° east longitude
- 68° north latitude 160° east longitude
- 50° north latitude 125° east longitude
- 50° north latitude 56° east longitude
- 68° north latitude 56° east longitude

Area M—Southern Asia

All that area enclosed by rhumb lines joining successively the following points:

- 50° north latitude 56° east longitude
- 50° north latitude 125° east longitude
- 40° north latitude 110° east longitude
- 30° north latitude 110° east longitude
- 30° north latitude 80° east longitude
- 35° north latitude 80° east longitude
- 35° north latitude 56° east longitude
- 50° north latitude 56° east longitude”

(12) In Schedule 8 under the heading *Senior Commercial Pilot’s Licence (Aeroplanes)* for the words “(whichever is the earlier)” shall be substituted the words “(whichever period is the shorter)”.

(13) In Schedule 13—

- (a) in the heading the words “AND AIR TRAFFIC CONTROL” shall be deleted;
- (b) at the end of paragraph 2(b) of Rule 9 for the full stop there shall be substituted a colon and the following proviso shall be added thereafter—

“Provided that a helicopter to which Article 25 of the Order applies may, when stationary on an offshore installation, switch off such an anti-collision light in accordance with a procedure contained in the operations manual of the helicopter as a signal to ground personnel that it is safe to approach the helicopter for the purpose of embarkation or disembarkation of Passengers or the loading or unloading of Cargo.”;

- (c) Section IX shall be deleted.

(14) For Schedule 15 there shall be substituted the following Schedule—

“SCHEDULE 15

Article 44

THE AIR NAVIGATION (DANGEROUS GOODS) REGULATIONS

Citation

1. These Regulations may be cited as the Air Navigation (Dangerous Goods) Regulations.

Interpretation

2.—(1) In these Regulations:—

“consignment” means one or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address receipted for in one lot and moving to one consignee at one destination address;

“dangerous goods” means any article or substance which is capable of posing significant risk to health, safety or property when carried by air and which is classified in Part 2 of the Technical Instructions;

“package” means the packaging and the articles and substances contained therein including one or more packages which have been consolidated by one shipper into one container or enclosure for convenience in handling;

“packing” means the art and operation whereby articles and substances are wrapped up, enclosed in containers or otherwise secured, and “packed” shall be construed accordingly;

“Technical Instructions” means the 1991—1992 English language edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air approved and published by decision of the Council of the International Civil Aviation Organisation;

“unit load device” means any type of freight container including any container designed for loading on an aircraft.

(2) For the avoidance of doubt, any instructions or limitations contained in the Technical Instructions for the carriage of dangerous goods on Passenger or Cargo aircraft, as therein defined, shall for the purpose of these Regulations be interpreted as applying also to the carriage of such goods beneath Passenger or Cargo aircraft respectively.

Carriage of dangerous goods

3.—(1) An aircraft shall not carry or have loaded therein or suspended thereunder any dangerous goods, unless such goods are carried, loaded or suspended:

- (a) with the written permission of the Governor and in accordance with any conditions to which such permission may be subject; and
- (b) in accordance with the Technical Instructions and any conditions specified therein.

(2) A person shall not:

- (a) take or cause to be taken on board,
- (b) suspend or cause to be suspended beneath, or
- (c) deliver or cause to be delivered for loading on or suspension beneath

an aircraft any goods which he knows or ought to know or suspect to be goods capable of posing significant risk to health, safety or property when carried by air, unless the provisions of these Regulations are complied with.

(3) These Regulations shall not apply to dangerous goods of a type specified in Chapters 1.1.2(a), 1.1.2(b) and 2.3 of Part 1 and Chapter 1.2 of Part 9 of the Technical Instructions which are carried, loaded or suspended in accordance with the provisions of the aforesaid Chapters 1.1.2(a), 1.1.2(b) and 2.3 of Part 1 and Chapter 1.2 of Part 9 and which are:

- (a) articles and equipment which are required to be carried on an aircraft by or under the Order or are otherwise intended for use on an aircraft for the purpose of the good order of the flight in accordance with normal practice whether or not, in either case, such articles and equipment are required to be carried or intended to be used on that particular flight;
- (b) solely intended for the use of Passengers or crew members or for sale to the Passengers or crew members of the aircraft during the flight in question;
- (c) to provide during the flight veterinary aid or a humane killer for an animal; or
- (d) to provide during the flight medical aid to a person:

Provided that goods specified in sub-paragraphs (c) and (d) shall only be carried if:

- (i) they are or may be required for use during the flight;
- (ii) they are or may be required for use during a subsequent flight by the same aircraft and it will not be practicable to load the goods on the aircraft in the intervening period before the commencement of that subsequent flight, or
- (iii) they were used or might have been required for use during a previous flight by the same aircraft and it has not been practicable to unload them from the aircraft since that flight.

(4) Save for Regulations 3(1)(a), 7(1) (but only to the extent that it refers to the provisions in Chapter 2.1 of Part 5 of the Technical Instructions) and 7(2) and 8(3) of these Regulations, these

Regulations shall not apply to dangerous goods of the classifications specified in Chapter 2.5 of Part 1 of the Technical Instructions provided that:

- (a) the dangerous goods do not exceed the appropriate quantity limitations specified therein; and
- (b) such other conditions as are specified therein are complied with.

Documentation

4.—(1) An aircraft shall not carry dangerous goods as Cargo unless the shipper of the goods has furnished the operator of the aircraft with a dangerous goods transport document, except that such a document shall not be required in respect of such categories of dangerous goods as may be specified in the Technical Instructions as being goods in respect of which a dangerous goods transport document is not required.

(2) The dangerous goods transport document shall be completed in duplicate by the shipper and shall:

- (a) describe the dangerous goods in accordance with and contain such information as is required by the provisions of Chapter 4.1 of Part 4 of the Technical Instructions;
- (b) contain a signed declaration that the Technical Instructions have been complied with in that the dangerous goods—
 - (i) are fully and accurately described, and
 - (ii) are correctly classified, packed, marked and labelled, and
 - (iii) are in a proper condition for carriage by air.

(3) The shipper of dangerous goods shall furnish the operator of the aircraft with such other documents in respect of dangerous goods as are required by Part 3 and Chapter 4.5 of Part 4 of the Technical Instructions.

(4) The operator of an aircraft shall preserve for not less than six months any dangerous goods transport document or other document in respect of dangerous goods which has been furnished to him in accordance with this Regulation.

Shipper's responsibilities

5. Before consigning any package containing dangerous goods for carriage by air the shipper shall ensure that:

- (a) the goods are not of a category whose carriage by air is prohibited by the provisions of Chapters 2.1 and 2.2 of Part 1 of the Technical Instructions;
- (b) the goods are classified and packed in accordance with Chapter 2.6 of Part 1 and Parts 2, 3 and 8 of the Technical Instructions and the packagings used are in accordance with such provisions of Part 7 of the Technical Instructions as apply to the goods;
- (c) the package is marked and labelled in accordance with such provisions of Chapter 11 of Part 2 and Part 3 as relate to marking and labelling and in accordance with Chapters 2 and 3 of Part 4 of the Technical Instructions;
- (d) the package is in a fit condition for carriage by air;
- (e) the dangerous goods transport document required by Regulation 4 of these Regulations has been completed and that the declaration therein has been signed by him or on his behalf.

Operator's responsibilities

6.—(1) The operator of an aircraft in which any package or unit load device containing dangerous goods is to be carried shall satisfy himself by making an inspection:

- (a) that the package is marked and labelled in accordance with the provisions of these Regulations, such provisions of Chapter 11 of Part 2 and Part 3 as relate to marking and labelling and Chapters 2 and 3 of Part 4 of the Technical Instructions before accepting the package;
 - (b) that the package is not leaking or damaged so that the contents may escape—
 - (i) before accepting the package,
 - (ii) before loading or causing the package to be loaded on board the aircraft or before suspending or causing the package to be suspended beneath the aircraft, as the case may be,
 - (iii) upon loading the package from or from beneath the aircraft;
 - (c) that the unit load device is free from any evidence of leakage from or damage to any dangerous goods contained therein before loading or causing the unit load device to be loaded on board the aircraft or before suspending or causing the unit load device to be suspended beneath the aircraft, as the case may be.
- (a) (2) For the purpose of each of the inspections required by paragraph (1)(a) and (1)(b)(i) of this Regulation, an acceptance check list shall be used and the results of that inspection shall be recorded in accordance with the form thereof.
- (b) The acceptance check list shall be in such form and shall provide for the entry of such details as will enable the relevant inspection to be fully and accurately made by reference to and completion of that list.
- (c) The operator of an aircraft shall preserve for not less than six months a record of any acceptance check list completed in accordance with this Regulation. The record shall be in a legible or a non-legible form so long as the recording is capable of being reproduced in legible form.

(3) The operator shall not load or cause to be loaded on an aircraft or suspend or cause to be suspended beneath an aircraft any package or unit load device containing dangerous goods which on inspection is found to be leaking or damaged so that the contents or the dangerous goods therein may escape or be damaged.

(4) The operator shall unload or cause to be unloaded any package containing dangerous goods which appears to be leaking or damaged on board or beneath an aircraft and shall ensure that other Cargo or baggage loaded or suspended beneath that aircraft is in a fit state for carriage by air and has not been contaminated.

(5) The operator shall after unloading inspect for signs of damage or contamination in any part of the aircraft, or any sling or other apparatus which has been used to suspend goods beneath the aircraft, in which:

- (a) a unit load device containing dangerous goods was stowed, or
- (b) any damaged or leaking package containing dangerous goods was loaded,

and the operator shall remove or repair any contamination or damage.

(6) The operator of an aircraft shall not permit it to fly for the purpose of carrying Passengers or Cargo if he knows or suspects radioactive materials to have leaked in or contaminated the aircraft or any sling or other apparatus attached to the aircraft unless the radiation level resulting from the fixed contamination at any accessible surface and the non-fixed contamination are not more than the values specified in Chapter 3.2 of Part 5 of the Technical Instructions.

Method of loading by operator

7.—(1) The operator shall ensure that any package containing dangerous goods is loaded, stowed and unloaded from or from beneath an aircraft in accordance with the provisions in Chapter 2 of Part 5 of the Technical Instructions which apply to that category of dangerous goods.

(2) An aircraft shall not carry any dangerous goods either in any compartment occupied by Passengers or in the flight crew compartment, except in circumstances permitted by the provisions of Chapter 2.1 of Part 5 of the Technical Instructions.

Provision of information and training programmes by operators and shippers

8.—(1) The operator of an aircraft in which dangerous goods are to be carried shall, before the flight begins, provide the commander of the aircraft with written information specifying the matters required by the provisions of Chapter 4.1 of Part 5 of the Technical Instructions and shall preserve a copy thereof for not less than six months.

(2) The operator of an aircraft in which Passengers are to be carried or his agent shall notify them of the categories of dangerous goods which may not be taken on board an aircraft either as checked baggage or accompanying a Passenger by the provision of information with each Passenger ticket which shall be sufficient in prominence for this purpose and by displaying notices, sufficient in number and prominence for this purpose, at each of the places at an airport where the operator or his agent issues tickets, checks in baggage or maintains areas to assemble Passengers to board the aircraft.

(3) The operator of an aircraft and a shipper of dangerous goods by air and, in each case, any agent thereof shall inform any of their respective employees whose duties include a function connected with the carriage of Passengers or Cargo by air of the provisions of the Technical Instructions and for this purpose shall establish and undertake training programmes, as required by Chapter 1 of Part 6 of the Technical Instructions, which shall be submitted to the Governor for approval on such occasions as the Governor may require and which shall be amended as the Governor may require.

Production of documents and records

9. The operator of an aircraft shall, within a reasonable time after being requested so to do by an authorised person, cause to be produced to that person such of the following documents as may have been requested by that person:

- (a) the written permission referred to in Regulation 3(1) of these Regulations;
- (b) the dangerous goods transport document or other document in respect of any dangerous goods referred to in Regulation 4 of these Regulations;
- (c) the completed acceptance check list in a legible form in respect of any dangerous goods, referred to in Regulation 6(2) of these Regulations;
- (d) a copy of the written information provided to the commander of the aircraft in respect of any dangerous goods, referred to in Regulation 8(1) of these Regulations.

Dropping articles for agricultural, horticultural, forestry or pollution control purposes

10. Subject to the provisions of Regulation 3(1)(a) of these Regulations, nothing in these Regulations shall apply to any aircraft flying in order to drop articles for the purpose of agriculture, horticulture, forestry or pollution control.”

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

G. I. de Deney
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the Air Navigation (Overseas Territories) Order 1989 as amended by the Air Navigation (Overseas Territories) (Amendment) Order 1991. In addition to minor and drafting amendments the following changes are made—

(1) Non-public transport aircraft approaching to land on a runway in respect of which there is a notified instrument approach procedure must comply with any relevant aerodrome operating minima in relation to that runway. (Article 2(4)).

(2) Several matters concerning the provision of air traffic services have been transferred from their original location in Schedule 13 to the 1989 Order to the main body thereof. In addition, a person may not provide any air traffic control services unless he has the approval of the Governor and complies with the terms of that approval. (Article 2(8)).

(3) In order to take account of changes to Soviet and Chinese airspace parameters the co-ordinates of the flight navigation areas have been amended. (Article 2(11)).

(4) The established practice, at offshore installations, for helicopters to switch off anti-collision lights with engines running to indicate when it is clear for personnel to approach the aircraft is now permitted. (Article 2(13)(b)).

(5) In order to meet the requirements of amendments to Annex 18 to the Chicago Convention and generally update the Air Navigation (Dangerous Goods) Regulations a new consolidated set of Regulations is enacted. (Article 2(14)).