
STATUTORY INSTRUMENTS

2001 No. 2128

The Air Navigation (Overseas Territories) Order 2001

PART III

Airworthiness and Equipment of Aircraft

Inspection, overhaul, repair, replacement and modification

12.—(1) This article shall apply to any aircraft registered in the Territory in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force.

(2) Except as provided in paragraphs (4) and (5) an aircraft to which this article applies shall not fly unless there is in force a certificate of release to service issued under this Order 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 9(7)(b) of this Order, as the case may be.

(3) 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 under this Order can be issued in respect thereof; or
- (b) for such a certificate to be issued while the aircraft is at that place;

it may fly to a place at which such a 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 10 days thereafter.

(4) A certificate of release to service shall not be required to be in force in respect of an aircraft to which this article applies of which the maximum total weight authorised does not exceed 2730 kg and in respect of which a certificate of airworthiness in the special category is in force, unless the Governor gives a direction to the contrary in a particular case.

- (a) (5) (a) A certificate of release to service shall not be required to be in force in respect of an aircraft to which this article applies of which the maximum total weight authorised does not exceed 2730 kg and in respect of which a certificate of airworthiness in the private or special categories is in force if it flies in the circumstances specified in sub-paragraph (b).
- (b) (i) 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 17 in Schedule 14 to this Order.
- (ii) Such repairs or replacements have been carried out personally by the holder of a pilot's licence granted or rendered valid under this Order who is the owner or operator of the aircraft.

- (iii) The person carrying out the repairs or replacements shall keep in the aircraft log book kept in respect of the aircraft pursuant to article 17 of this Order a record which identifies the repairs or replacement and shall sign and date the entries.
 - (iv) Any equipment or parts used in carrying out such repairs or replacements shall be of a type approved by the Governor either generally or in relation to a class of aircraft or one particular aircraft.
- (c) The person responsible for keeping the aircraft log book shall, subject to article 80 of this Order, preserve the log book for the period specified in article 17 of this Order.
- (6) 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 to which this article applies 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 under this Order.

- (7) A certificate of release to service issued under this Order 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; or
 - (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.
- (8) A certificate of release to service issued under this Order may be issued 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;
 - (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 15 in Schedule 14 to this Order in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed;
 - (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 any 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 to which this article applies of which the maximum total weight authorised does not exceed 2730 kg and in accordance with the privileges endorsed on the licence;
 - (c) a person approved by the Governor as being competent to issue such certification, and in accordance with that approval;
 - (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) or a Flight Navigator's Licence granted or rendered valid under this Order.
- (9) 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.