

**2003 No. 433**

**CIVIL AVIATION**

**The Air Navigation (Overseas Territories) (Amendment)  
Order 2003**

*Made* - - - - - *27th February 2003*  
*Laid before Parliament* *11th March 2003*  
*Coming into force* - - *1st April 2003*

At the Court at Buckingham Palace, the 27th day of February 2003

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(a), as extended to certain territories by the Civil Aviation Act 1949 (Overseas Territories) Order 1969(b), as amended by the Civil Aviation Act 1982 (Overseas Territories) Order 2001(c), 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. This Order may be cited as the Air Navigation (Overseas Territories) (Amendment) Order 2003 and shall come into force on 1st April 2003.

**Amendment of the Air Navigation (Overseas Territories) Order 2001**

2. The Air Navigation (Overseas Territories) Order 2001(d) shall be amended as follows:

(1) In Article 130 for the definition of "Governor" there shall be substituted—

““Governor” means the person for the time being administering the Government of the Territory, and includes, in relation to any of the functions of the Governor under this Order (other than the functions of making rules and regulations under this Order or of making or revoking a designation under article 111 or article 136 of this Order or of reviewing a decision under article 137 of this Order):

- (a) any person who is designated for the time being by the Governor in accordance with article 136 of this Order to carry out that function, or
- (b) if no other person has been designated to carry out that function, ASSI;”

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(a) 1949 c. 67.  
(b) S.I. 1969/592.  
(c) S.I. 2001/1452.  
(d) S.I. 2001/2128.

(2) In article 130 after the definition of “Area navigation equipment”, the following shall be inserted—

““ASSI” means Air Safety Support International, being a wholly owned subsidiary company of the Civil Aviation Authority formed in accordance with a direction given by the Secretary of State to the Civil Aviation Authority under section 6(2)(c) of the Civil Aviation Act 1982 on 2 January 2003;”

(3) After article 135 there shall be added the following new articles—

**“Designation by the Governor**

**136.**—(1) Subject to paragraphs (2) and (4), the Governor, acting in his discretion, may designate any person to carry out such functions of the Governor under this Order as are specified in the designation, subject to such conditions as he sees fit.

(2) Before making any designation under paragraph (1), the Governor shall consult ASSI as to the qualifications and competence of the person concerned and the resources available to him to carry out the relevant functions and shall take account of the advice given by ASSI in deciding whether to make the designation.

(3) The Governor may, on sufficient ground being shown to his satisfaction after he has considered all relevant information and arguments (which shall include consultation with and consideration of advice given by ASSI), revoke or vary a designation.

(4) This article shall not apply to the Governor’s functions of making regulations under this Order or of making or revoking a designation under article 111 or under this article of this Order nor to his functions under article 137 of this Order.

**Review by the Governor**

**137.**—(1) Where any person designated pursuant to article 136(1) decides that it would be inexpedient in the public interest to register an aircraft in a Territory or refuses an application for the grant, validation or variation of a licence, certificate, approval, authorisation or rating or decides to cancel the registration of an aircraft or revoke, suspend or vary a licence, certificate, approval, authorisation, validation or rating otherwise than on the application of the holder, the person designated shall serve on the person concerned a notice stating the reasons for the decision and the person concerned may within 14 days of the date of the service of the notice, serve on the Governor a request that the decision be reviewed by the Governor.

(2) Where such a request under paragraph (1) has been duly served the Governor shall, before making a decision, consider any oral representations which may be made to him or any representations in writing which may have been served upon him by the person concerned within 21 days after the date of service of the request and may, before making a decision, consider the advice of such technical assessors as the Governor may appoint to advise him provided that the Governor shall not appoint as an assessor any person who participated in the decision or proposal or in giving or assessing any test or examination which is to be the subject of the Governor’s decision.”

*A. K. Galloway*  
Clerk of the Privy Council

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order makes provision for Air Safety Support International to advise Governors of Overseas Territories on the designation and performance of their functions under the Air Navigation (Overseas Territories) Order 2001. It also provides a mechanism for review of certain decisions under that Order.

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