
STATUTORY INSTRUMENTS

2006 No. 1911

The Air Navigation (Overseas Territories) (Amendment) Order 2006

Amendment of the Air Navigation (Overseas Territories) Order 2001

7. For article 103 there shall be substituted:

“Certification of aerodromes

103.—(1) A person in charge of the operation of an aerodrome in the Territory is required to hold in respect of such aerodrome a certificate issued by the Governor in accordance with this article if:

- (a) the aerodrome is made available for the purposes of any of the operations specified in article 101(2) of this Order; or
- (b) the Governor considers that it is in the public interest to so require an aerodrome to be certificated.

(2) The Governor shall grant a certificate in respect of any aerodrome in the Territory, subject to such conditions as he thinks fit, if he is satisfied that:

- (a) the applicant is competent, having regard to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are suitable for use by aircraft;
- (b) the aerodrome is safe for use by aircraft having regard in particular to the physical characteristics of the aerodrome and of its surroundings; and
- (c) the aerodrome manual, incorporating a safety management system, submitted pursuant to paragraph (7) is adequate.

(3) If the applicant so requests the Governor may grant a certificate which in addition to any other conditions that he may impose shall be subject to the condition that the aerodrome shall at all times when it is available for the take-off or landing of aircraft be so available to all persons on equal terms and conditions.

(4) The holder of an aerodrome certificate granted under this Order (in this article called “an aerodrome certificate holder”) shall:

- (a) furnish to any person on request information concerning the terms of the certificate; and
- (b) cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft engaged on flights for the purpose of the public transport of passengers or instruction in flying.

(5) An aerodrome certificate holder shall not contravene or cause or permit to be contravened any condition of the aerodrome certificate at any time in relation to such aircraft engaged on such flights as are specified in article 101(2) of this Order, but the certificate shall not cease to be valid by reason only of such a contravention.

(6) An aerodrome certificate holder shall take all reasonable steps to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe at all times for use by aircraft.

(7) Upon making an application for an aerodrome certificate the applicant shall submit to the Governor an aerodrome manual for that aerodrome.

(8) An aerodrome manual required pursuant to this article shall contain all such information and instructions as may be specified by the Governor to enable the aerodrome operating staff to perform their duties as such including, in particular, information and instructions relating to the matters specified in Schedule 16 to this Order.

(9) Every aerodrome certificate holder shall:

- (a) furnish to the Governor any amendments or additions to the aerodrome manual before or immediately after they come into effect;
- (b) without prejudice to sub-paragraph (a), make such amendments or additions to the aerodrome manual as the Governor may require for the purpose of ensuring the safe operation of aircraft at the aerodrome or the safety of air navigation; and
- (c) maintain the aerodrome manual and make such amendments as may be necessary for the purposes of keeping its contents up to date.

(10) Every aerodrome certificate holder shall make available to each member of the aerodrome operating staff a copy of the aerodrome manual, or a copy of every part of the aerodrome manual which is relevant to his duties, and shall ensure that each such copy is kept up to date.

(11) Every aerodrome certificate holder shall take all reasonable steps to secure that each member of the aerodrome operating staff is aware of the contents of every part of the aerodrome manual which is relevant to his duties as such and undertakes his duties as such in conformity with the relevant provisions of the manual.

(12) For the purposes of this article:

- (a) “aerodrome operating staff” means all persons, whether or not the aerodrome certificate holder and whether or not employed by the aerodrome certificate holder, whose duties are concerned either with ensuring that the aerodrome and airspace within which its visual traffic pattern is normally contained are safe for use by aircraft, or whose duties require them to have access to the aerodrome manoeuvring area or apron;
- (b) “safety management system” means a system for the management of safety at aerodromes, including the organizational structure, responsibilities, procedures, processes and provisions for the implementation of aerodromes safety policies by an aerodrome operator, which provides for control of safety at, and the safe use of, the aerodrome;
- (c) “visual traffic pattern” means the aerodrome traffic zone of the aerodrome, or, in the case of an aerodrome which is not notified for the purposes of rule 39 of the Rules of the Air, the airspace which would comprise the aerodrome traffic zone of the aerodrome if it was so notified.”