
STATUTORY INSTRUMENTS

2007 No. 3468

The Air Navigation (Overseas Territories) Order 2007

PART II

AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT

Type Acceptance Certificate

6.—(1) A certificate of airworthiness for an aircraft registered in the Territory shall not be issued in accordance with article 8 unless there is in force a Type Acceptance Certificate issued by the Governor for that aircraft type.

(2) Any person who intends to operate an aircraft to be registered in the Territory of a type for which a Type Acceptance Certificate has not been issued shall apply or cause an application to be made to the Governor for the issue of a Type Acceptance Certificate for that aircraft type in accordance with this article and the published requirements of the Governor.

(3) A Type Acceptance Certificate with respect to an aircraft means a document issued by the Governor on the basis of a Type Certificate issued by a Contracting State acceptable to the Governor.

(4) For the purposes of this article a “Type Certificate” means a document issued by a Contracting State to define the design of an aircraft type and to certify that this design meets the appropriate airworthiness requirements of that State.

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 or the State of the operator, and any conditions subject to which the certificate was issued or rendered valid are complied with.

(2) The prohibition contained in paragraph (1) does not apply to flights made wholly within the Territory, of—

- (a) a glider, if it is not being used for the commercial air transport of passengers or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;
- (b) a balloon flying on a private flight;
- (c) a kite;
- (d) an aircraft flying in accordance with a permit to fly issued by the Governor under article 9.

(3) In the case of an aircraft registered in the Territory the certificate of airworthiness referred to in paragraph (1) is a certificate issued under article 8.

Issue, re-issue and validity 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 and on the basis of—

- (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; and
- (c) a certificate of release to service having been issued under and in accordance with the provisions of article 12.

(2) A certificate of release to service is not required in respect only of the reissue of a certificate of airworthiness under paragraph (1).

(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 flight manual or equivalent document specified in article 10(1)(d) specifies the operational limitations within which the aircraft is to be operated for the purposes of the requirements referred to in articles 41, 72 and 73, provided that for the purposes of article 41(a) an aircraft flying clear of cloud and with the surface in sight shall be deemed to be flying in accordance with the Visual Flight Rules.

(5) A certificate of airworthiness issued in respect of an aircraft ceases 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 or by a person or organisation approved by the Governor for the purpose either generally or in relation to a class of aircraft or to the particular aircraft;
- (b) until the satisfactory completion of any inspection made for the purpose of ascertaining whether the aircraft remains airworthy or maintenance of the aircraft or of any such equipment described in sub-paragraph (a) which is or has been—
 - (i) classified as mandatory by the Governor;
 - (ii) required by a maintenance programme 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 of its equipment, being a modification required by the Governor for the purpose of ensuring that the aircraft remains airworthy.

(6) The Governor may issue a certificate of validation rendering valid for the purposes of this Order a certificate of airworthiness issued in respect of any aircraft registered elsewhere than in the Territory under the law of any country other than the Territory.

(7) Nothing in this Order shall oblige the Governor to accept an application for the issue of a certificate of airworthiness or certificate of validation or for the variation or re-issue of any such certificate when the application is not supported by such reports from such persons approved under article 151 as the Governor may specify (either generally or in a particular case or class of cases).

Issue, re-issue etc of permits to fly

9.—(1) The Governor may issue in respect of any aircraft a permit to fly if he is satisfied that the aircraft is fit to fly having regard to the airworthiness of the aircraft and the conditions to be attached to the permit.

(2) The Governor may refuse to issue a permit to fly in respect of an aircraft if it appears to him that the aircraft is eligible for and ought to fly under and in accordance with a certificate of airworthiness.

(3) An aircraft flying in accordance with a permit to fly shall not fly for the purpose of commercial air transport or aerial work but may be flown for the purpose of flying displays, associated practice, test, modification approval and positioning flights or for the exhibition or demonstration of the aircraft.

(4) With the permission of the Governor, an aircraft flying in accordance with a permit to fly may fly for the purpose of aerial work which consists of the giving of instruction in flying or the conduct of flying tests.

(5) No person shall be carried during flights under a permit to fly except the minimum flight crew unless the prior permission of the Governor has been obtained.

(6) A permit to fly issued in respect of an aircraft ceases to be in force—

- (a) if any conditions associated with the permit are not complied with;
- (b) until the completion of any inspection, modification or maintenance of the aircraft or any of its equipment, required for ascertaining whether the aircraft remains airworthy and—
 - (i) classified as mandatory by the Governor; or
 - (ii) required as a condition of the permit to fly;
- (c) if the aircraft, engines or propellers, or such of its equipment as is necessary for the airworthiness of the aircraft, are modified or repaired; unless the repair, or modification has been approved by the Governor or by a person or organisation approved by the Governor for the purpose.

(7) The Governor may impose a condition that a placard shall be affixed to any aircraft, flying in accordance with a permit to fly, in full view of the occupants, which shall be worded as follows—

“Occupant Warning – This aircraft has not been certificated to internationally accepted certification standards”

(8) An aircraft flying in accordance with a permit to fly shall only be flown in accordance with such conditions specified by the Governor as shall be appropriate having regard to all of the circumstances.

(9) Nothing in this Order shall oblige the Governor to accept an application for the issue, variation or renewal of a permit to fly when the application is not supported by such reports from such authorised or approved persons as the Governor may specify (either generally or in a particular case or class of cases).

Continuing airworthiness

10.—(1) An aircraft registered in the Territory in respect of which a certificate of airworthiness is in force shall not fly unless—

- (a) the aircraft’s continued airworthiness, (including that of its engines, equipment and radio station), is managed by a person or organisation approved by the Governor in accordance with a maintenance programme under a maintenance control manual or equivalent document approved by the Governor in relation to that aircraft; and
- (b) all airworthiness directives or equivalent issued by the State responsible for the certification standard of the aircraft have been complied with; and
- (c) all inspections required in respect of the aircraft under the provisions of this Order have been completed; and

(d) there is a flight manual or equivalent document that is carried on, and available in, the aircraft for use by the flight crew containing the limitations within which the aircraft is considered airworthy, together with such additional instructions and information as may be necessary to secure compliance with the specified performance and operational requirements relating to that aircraft.

(2) In the case of an aircraft registered in the Territory and operated for commercial air transport purposes by the holder of an air operator's certificate issued under article 64 the operator having the control of the aircraft shall provide a maintenance control manual or equivalent document acceptable to the Governor in relation to that aircraft.

(3) For the purposes of this article a "maintenance control manual" means a manual established in respect of an aircraft describing how the operator of that aircraft or approved organisation will comply with the provisions of the approved maintenance programme and ensure the continuing airworthiness of that aircraft.

(4) The operator referred to in paragraph (2) shall appoint an accountable person, acceptable to the Governor on the basis of his training, qualifications and experience, who shall be responsible for controlling the management of the maintenance of the aircraft in accordance with the maintenance control manual.

(5) The operator, owner or, where an aircraft is leased, the lessee of an aircraft registered in the Territory of which the maximum total weight authorised exceeds 2,700kg and that is not operated for commercial air transport purposes by the holder of an air operator's certificate issued under article 64 shall appoint a technical coordinator, acceptable to the Governor, who shall ensure that arrangements for continuing airworthiness are put in place in accordance with the Governor's requirements.

(6) A person appointed as an accountable person under paragraph (4) or as a technical coordinator under paragraph (5) shall ensure and shall verify that—

- (a) maintenance has been carried out on an aircraft in accordance with the maintenance programme approved for that aircraft;
- (b) inspections and modifications required by the Governor as provided in article 8(5)(b) and (c) have been completed as certified in the relevant certificate of release to service issued under this Order;
- (c) defects entered in the technical log of the aircraft in accordance with article 11 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 under this Order and for this purpose the operator of the aircraft shall make available to that person such information as is necessary; and
- (e) any technical assessments required by the manufacturer of the aircraft or as specified by the Governor are undertaken and reports of the continued airworthiness status of the aircraft are provided in accordance with arrangements acceptable to the Governor.

Aircraft records

11.—(1) The following aircraft records shall be kept in respect of an aircraft registered in the Territory—

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

(2) A technical log shall be kept in respect of every aircraft registered in the Territory in respect of which a certificate of airworthiness is in force.

(3) In the case of an aircraft of which the maximum total weight authorised is 2700kg or less and which is not operated by the holder of an air operator's certificate granted in accordance with article 64 a record in a form acceptable to the Governor may be kept instead of a technical log.

(4) At the end of every flight by an aircraft to which the provisions of this article apply the pilot-in-command of the aircraft shall enter in a technical log or approved record, as the case may be—

- (i) the times when the aircraft took off and landed;
- (ii) 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
- (iii) such other particulars in respect of the airworthiness or operation of the aircraft as the Governor may require;

and shall sign and date such entries.

(5) In the case of a number of consecutive flights each of which begins and ends—

- (a) within the same period of 24 hours;
- (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 pilot-in-command of the aircraft;

the pilot-in-command may, except where he becomes aware of a defect during an earlier flight, make the entries specified in paragraph (4) at the end of the last of such consecutive flights.

(6) Upon the rectification of any defect which has been entered in a technical log in accordance with paragraphs (4) and (5) a person issuing a certificate of release to service under this Order in respect of that defect shall enter the certificate in the technical log or approved record in such a position as to be readily identifiable with the defect to which it relates.

(7) The technical log referred to in this article shall be carried in the aircraft when article 116 so requires and copies of the entries referred to in this article shall be kept on the ground.

(8) In the case of a helicopter, if it is not reasonably practicable for the copy of the technical log or approved record to be kept on the ground it may be carried in the helicopter in a container approved by the Governor for that purpose.

(9) The logbooks referred to in subparagraphs (b), (c) and (d) of paragraph (1) shall include the particulars respectively specified by the Governor and shall be kept in a manner specified by him.

(10) Any document or electronic record that has been incorporated by reference in a logbook shall be deemed, for the purposes of this Order, to be part of the logbook.

(11) It shall be the duty of the operator of every aircraft, in respect of which technical logs and logbooks are required to be kept, to keep them or cause them to be kept in accordance with the requirements specified by the Governor.

Requirement for a certificate of release to service

12.—(1) This article applies to any aircraft registered in the Territory in respect of which a certificate of airworthiness has been or is to be issued under article 8.

(2) 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 8(5)(b), as the case may be.

(3) A certificate of release to service is not required to be in force in respect of an aircraft, of which the maximum total weight authorised does not exceed 2700kg and that is not operated for the purpose of commercial air transport or aerial work, in respect of which a certificate of airworthiness is in force if it flies in the circumstances specified in paragraph (4).

(4) The circumstances referred to in paragraph (3) are—

- (a) the only repairs or replacements in respect of which a certificate of release to service is not in force are of a description as specified by the Governor;
- (b) 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;
- (c) the person carrying out the repairs or replacements shall keep in the aircraft log book kept in respect of the aircraft under article 11 a record which identifies the repairs or replacement and shall sign and date the entries;
- (d) 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.

(5) Neither—

- (a) equipment provided in compliance with article 15; nor
- (b) radio apparatus provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not the apparatus is provided in compliance with this Order;

shall be installed or placed on board for use in an aircraft to which this article applies after being maintained, 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.

(6) A certificate of release to service issued under this Order shall certify that the aircraft or any part thereof or its equipment has been inspected, 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 the particular aircraft and shall identify the inspection, overhaul, repair, replacement, modification or maintenance to which the certificate relates and shall include particulars of the work done.

(7) 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 granted under this Order, being a licence which entitles him to issue that certificate for aircraft that do not exceed 2700 kg and are not operated for the purpose of commercial air transport or aerial work; or
- (b) the holder of an aircraft maintenance engineer's licence 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 and as authorised by the Governor to issue that certificate; or
- (c) the holder of an aircraft maintenance engineer's licence granted under this Order, in accordance with the privileges endorsed on the licence and as authorised by the Governor to issue that certificate; or
- (d) the holder of an authorisation to issue that certificate granted by an organisation approved by the Governor; or
- (e) a person whom the Governor has authorised to issue that certificate in a particular case, and in accordance with that authority.

Licensing and authorisations of maintenance engineers

13.—(1) The Governor shall grant an aircraft maintenance engineer’s licence upon being satisfied that the applicant is a fit person to hold the licence and is qualified by reason of his knowledge, experience, competence and skill in aeronautical engineering, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests as the Governor may require of him.

(2) An aircraft maintenance engineer’s licence authorises the holder, subject to such conditions as may be specified in the licence, to issue certificates of release to service under this Order in respect of such repairs, replacements, modifications, maintenance and inspections of such aircraft and such equipment as may be so specified.

(3) A licence shall, subject to article 122, remain in force for the period specified therein, not exceeding 5 years, but may be renewed by the Governor from time to time upon his being satisfied as to the continued fitness and qualifications of the applicant.

(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.

(5) A licence or authorisation granted under this article shall not be valid unless it bears thereon the ordinary signature of the holder in ink.

(6) The Governor may, for the purposes 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; and
- (c) approve a person to provide or conduct any course of training or instruction.

(7) The holder of an aircraft maintenance engineer’s licence shall not exercise the privileges of such a licence if he knows or suspects that his physical or mental condition renders him unfit to exercise such privileges.

(8) The holder of an aircraft maintenance engineer’s licence shall not, when exercising the privileges of a licence, be under the influence of alcohol, any drug or any psychoactive substance, including prescribed or proprietary medication, so as to render that person unable safely and properly to exercise such privileges or so as to create a risk to the licence holder or any other person.

Approval of maintenance organisations

14.—(1) No person intending to engage in—

- (a) any stage of the maintenance of aircraft, aircraft components or aircraft materials; or
- (b) the manufacture of parts for the purpose of maintenance; or
- (c) training activities associated therewith;

shall do so without first obtaining from the Governor a certificate of approval in respect of any of those activities.

(2) The Governor shall issue an approval to an organisation that complies with his requirements.

(3) A certificate of approval shall be in such form, be subject to such conditions and limitations and contain such particulars as may be determined by the Governor.

Equipment of aircraft

15.—(1) An aircraft shall not fly unless it is so equipped as to—

- (a) comply with the law of the country in which it is registered or the State of the operator; and
- (b) enable lights and markings to be displayed; and

- (c) enable signals to be made;

in accordance with this Order and any regulations made hereunder.

(2) In the case of any aircraft registered in the Territory the equipment to be provided (in addition to any other equipment required by or under this Order) shall—

- (a) be that specified in Schedule 4 as applicable to the purpose and the circumstances of the flight;
- (b) comply with the provisions of that Schedule;
- (c) 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
- (d) be installed in a manner so approved.

(3) In any particular case or class of cases the Governor may give instructions that an aircraft registered in the Territory shall carry such additional equipment or supplies (including radio equipment) as he may specify for the purpose of—

- (a) facilitating the navigation of the aircraft; or
- (b) the carrying out of search and rescue operations; or
- (c) securing the safety and the survival of the persons carried in the aircraft.

(4) The equipment carried in compliance with this article shall be installed or stowed and kept stowed, and maintained and adjusted so 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.

(6) In every commercial air transport aircraft registered in the Territory there shall be provided individually for each passenger or, if the Governor so permits in writing, exhibited in a prominent position in every passenger compartment, a notice which complies with paragraph (7).

(7) A notice complies with this paragraph if it—

- (a) is relevant to the aircraft in question;
- (b) contains pictorial instructions on the brace position to be adopted in the event of an emergency landing;
- (c) contains pictorial instructions on the method of use of the safety belts and safety harnesses as appropriate;
- (d) contains pictorial information as to where emergency exits are to be found and instructions as to how they are to be used;
- (e) contains pictorial information as to where the lifejackets, escape slides, liferafts and oxygen masks, if required to be provided by paragraph (2) or paragraph (3), are to be found and instructions as to how they are to be used.

(8) All equipment installed or carried in an aircraft, whether or not in compliance with this article, shall be installed or stowed and maintained and adjusted so 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.

Radio equipment of aircraft

16.—(1) An aircraft shall not fly unless it is equipped with radio and radio navigation equipment so as to comply with the law of the country in which the aircraft is registered or the State of the Operator and to enable communications to be made and the aircraft to be navigated, in accordance with the provisions of this Order and any regulations made hereunder.

(2) In the case of an aircraft registered in the Territory the radio equipment that is required to be provided shall be that specified in Schedule 5 as applicable to the purpose and circumstances of the flight and shall be of a type approved by the Governor generally or in relation to a class of aircraft or in relation to that aircraft and be installed in a manner so approved.

(3) Subject to such exceptions as may be specified 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.

Minimum equipment requirements

17.—(1) The Governor may grant in respect of any aircraft or class of aircraft registered in the Territory an approval permitting such aircraft to commence a flight in specified circumstances notwithstanding that any specified item of equipment required by or under this Order to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use.

(2) An aircraft registered in the Territory shall not commence a flight if any of the equipment (including radio apparatus) required by or under this Order to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use unless—

- (a) the aircraft does so otherwise than under and in accordance with the terms of an approval under this article which has been granted to the operator; and
- (b) in the case of an aircraft to which any of articles 66, 67 or 85 applies, the respective operations manual required thereby contains the particulars of that approval.

Aircraft weight schedule

18.—(1) Every aircraft in respect of which a certificate of airworthiness or permit to fly issued 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 the operator of the aircraft shall prepare a weight schedule showing—

- (a) either the basic weight of the aircraft, that is to say, the empty weight of the aircraft established in accordance with the type certification basis of the aircraft, 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 at its 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 article 120, the weight schedule shall be preserved by the operator of the aircraft until the expiration of a period of six months following the next occasion on which the aircraft is weighed for the purposes of this article.

Access and inspection for airworthiness purposes

19. 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 document relating thereto and may for that purpose go upon any aerodrome or enter any aircraft factory or other premises.