
STATUTORY INSTRUMENTS

2007 No. 3468

The Air Navigation (Overseas Territories) Order 2007

PART IX

GENERAL AVIATION

Application and interpretation of Part IX

83.—(1) Except as provided in paragraph (2) of article 84, articles 84 and 85 apply to general aviation operations involving aircraft registered in the Territory of the classes or used in the cases identified in paragraph (2).

(2) Aircraft or aircraft operations of the classes or cases to which paragraph (1) refers are—

- (a) any aeroplane having a maximum certificated take-off weight exceeding 5,700kg; or
- (b) any aeroplane equipped with one or more turbojet engines; or
- (c) any aeroplane having a maximum approved passenger seating configuration of more than 9; or
- (d) any helicopter having a maximum certificated take-off weight exceeding 3,180kg; or
- (e) any helicopter having a maximum approved passenger seating configuration of more than 5; or
- (f) any aircraft operation involving the use of three or more aircraft that are operated by pilots employed by the operator for the purpose of flying the aircraft; or
- (g) any other general aviation operation as the Governor shall in the public interest specify.

(3) For the purposes of this Part—

“General aviation operation” means an aircraft operation other than a commercial air transport operation or aerial work operation.

Requirement for Approval

84.—(1) No person shall operate an aircraft registered in the Territory of any class or in any case identified in article 83(2) for the purposes of general aviation unless he is the holder of an approval granted in accordance with article 85.

(2) An approval is not required if operations of any of the classes identified in article 83(2) are being undertaken by an air transport undertaking that holds a valid air operator certificate granted in accordance with article 64.

Issue of Approval

85.—(1) The Governor shall grant an approval if he is satisfied that—

- (a) the applicant is competent, having regard in particular to—
 - (i) his previous conduct and experience;

- (ii) his equipment;
- (iii) his organisation and staffing;
- (iv) his maintenance and other arrangements;
- (b) the safety management system established in accordance with paragraph (3) is appropriate and adequate;
- (c) the operations manual submitted under paragraph (6) is adequate;

to secure the safe operation of aircraft of the type or types specified in the approval.

(2) An approval granted under this article shall, subject to article 122, remain in force for the period specified therein, not exceeding 3 years, but may be renewed by the Governor from time to time.

(3) An operator applying for an approval under the provisions of paragraph (1) of this article shall establish and maintain to the satisfaction of the Governor a safety management system appropriate to the size and complexity of the operation.

(4) The operator of every aircraft to which this article applies shall—

- (a) make available to each member of his operating staff an operations manual;
- (b) ensure that each copy of the operations manual is kept up to date; and
- (c) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to his duties on that flight.

(5) An operations manual shall contain all information and instructions as are necessary to enable operating staff to perform their duties as such.

(6) An aircraft to which this article applies shall not fly unless, at least 30 days prior to such flight, the operator of the aircraft has submitted to the Governor a copy of the whole of the operations manual for the time being in effect in respect of the aircraft.

(7) Any amendments or additions to the operations manual shall be made available to the Governor by the operator before or immediately after they come into effect.

(8) Where an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously relate, that aircraft shall not fly in accordance with this article until the amendment or addition has been made available to the Governor.

(9) Without prejudice to paragraphs (7) and (8), the operator shall make such amendments or additions to the operations manual as the Governor may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.