
STATUTORY INSTRUMENTS

2007 No. 3468

The Air Navigation (Overseas Territories) Order 2007

PART XIV

DOCUMENTS AND RECORDS

Journey Log

115.—(1) An operator of an aircraft used for the purposes of international air navigation shall record and retain the information specified by the Governor in a form specified by him for each flight in the form of a journey log.

(2) The Governor may permit an operator not to keep a journey log if the relevant information is available in other documents that are required to be kept under the provisions of this Order.

(3) An operator shall ensure that all entries in a journey log are made concurrently in an indelible form.

Documents to be carried

116.—(1) An aircraft shall not fly unless it carries the documents that it is required to carry under the law of the country in which it is registered.

(2) An aircraft registered in the Territory shall, when in flight, carry documents in accordance with instructions given or requirements specified by the Governor.

Production of documents and records

117.—(1) The pilot-in-command of an aircraft shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person—

- (a) the certificates of registration and airworthiness in force in respect of the aircraft;
- (b) the licences of its flight crew; and
- (c) such other documents as the aircraft is required by article 116 to carry when in flight.

(2) The operator of an aircraft registered in the Territory shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person such of the following documents or records as may have been requested by that person being documents or records which are required, by or under this Order, to be in force or to be carried, preserved or made available—

- (a) the certificate of airworthiness and certificate of registration in respect of the aircraft and the licence in force in respect of the aircraft radio station installed in the aircraft;
- (b) the aircraft log book, engine log books and variable pitch propeller log books required under this Order to be kept;
- (c) the weight schedule, if any, required to be preserved under article 18;

- (d) in the case of a commercial air transport aircraft or aerial work aircraft, a copy of the load sheet, the technical log and those parts of the operations manual required to be carried on the flight under article 66;
- (e) any record which he is required by article 32(4) to preserve, and such other documents and information in the possession or control of the operator, as the authorised person may require for the purpose of determining whether those records are complete and accurate;
- (f) any such operations manuals as are required to be made available under article 66(2); or
- (g) the record made by any flight data recorder required to be carried by or under this Order.

(3) The holder of a licence granted or rendered valid under this Order or of a medical certificate required under article 25 shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person his licence, including any certificate of validation.

(4) Every person required by article 28 to keep a personal flying log book shall cause it to be produced within a reasonable time to an authorised person after being requested to do so by him within 2 years after the date of the last entry therein.

Production of aeronautical telecommunications service documents and records

118. The holder of an approval under article 101 shall within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person any documents and records relating to any aeronautical telecommunications service used or intended to be used in connection with the provision of a service to an aircraft.

Power to inspect and copy documents and records

119. An authorised person shall have the power to inspect and copy any certificate, licence, log book, document or record that he has the power under this Order to require to be produced to him.

Preservation of documents, etc

120.—(1) A person required by this Order to preserve any document or record by reason of his being the operator of an aircraft shall, if he ceases to be the operator of the aircraft, continue to preserve the document or record as if he had not ceased to be the operator, and in the event of his death the duty to preserve the document or record shall fall upon his personal representative.

(2) If another person becomes the operator of the aircraft, the operator mentioned in paragraph (1) or his personal representative shall deliver to that person upon demand the certificates of release to service, the log books and the weight schedule and any record made by a flight data recorder and preserved in accordance with article 56 paragraph (3) which are in force or required to be preserved in respect of that aircraft.

(3) If an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person the operator mentioned in paragraph (1) or his personal representative shall deliver to that person upon demand the logbook relating to that engine or propeller.

(4) If any person in respect of whom a record has been kept by the operator mentioned in paragraph (1) in accordance with article 32(4) becomes a member of the flight crew of a commercial air transport aircraft registered in the Territory and operated by another person the operator mentioned in paragraph (1) or his personal representative shall deliver those records to that other person upon demand.

(5) It shall be the duty of the other person referred to in paragraphs (2), (3) and (4) to deal with the document or record delivered to him as if he were the operator mentioned in paragraph (1).

Validity of certificates, licences, authorisations, approvals and permissions

121. Wherever in this Order there is provision for the giving of an instruction or the issue or grant of a certificate, licence, authorisation, approval or permission by the Governor, unless otherwise provided, such an instruction or a certificate, licence, authorisation, approval or permission—

- (a) shall be in writing;
- (b) may be issued or granted subject to such conditions as the Governor thinks fit; and
- (c) may be issued or granted, subject to article 122, for such periods as the Governor thinks fit; and
- (d) may be renewed from time to time by the Governor upon such conditions and for such further period or periods as he thinks fit.

Revocation, suspension and variation of certificates, licences and other documents

122.—(1) The Governor may, if he thinks fit, provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under this Order, pending inquiry into or consideration of the case.

(2) The Governor may, on sufficient ground being shown to his satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other document.

(3) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under this Order shall surrender it to the Governor within a reasonable time after being required to do so by the Governor.

(4) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than a licence issued in respect of an aerodrome, has been granted or issued or which has effect under this Order shall, in the absence of provision to the contrary in the document, render the document invalid during the continuance of the breach.

(5) The provisions of article 123 have effect, in place of the provisions of this article, in relation to the permissions to which that article applies.

(6) A flight manual, performance schedule or other document incorporated by reference in the certificate of airworthiness may be varied on sufficient ground being shown to the satisfaction of the Governor, whether or not after due inquiry.

Revocation, suspension and variation of permissions, etc. granted under article 135 or article 137

123.—(1) The Secretary of State may revoke, suspend or vary any permit to which this article applies.

(2) Save as provided by paragraph (3), the Secretary of State, may exercise his powers under paragraph (1) only after notifying the permit-holder of his intention to do so and after due consideration of the case.

(3) If, by reason of the urgency of the matter, it appears to the Secretary of State to be necessary for him to do so, he may provisionally suspend or vary a permit to which this article applies without complying with the requirements of paragraph (2); but he shall in any such case comply with those requirements as soon thereafter as is reasonably practicable and shall then, in the light of his due consideration of the case, either—

- (a) revoke the provisional suspension or variation of the permit; or

- (b) substitute therefor a definitive revocation, suspension or variation, which, if a definitive suspension, may be for the same or a different period as the provisional suspension (if any) or, if a definitive variation, may be in the same or different terms as the provisional variation (if any).

(4) The powers vested in the Secretary of State by paragraph (1) or paragraph (3) may be exercised by him whenever, in his judgement and whether or not by reason of anything done or omitted to be done by the permit-holder or otherwise connected with the permit-holder, it is necessary or expedient that the permit-holder should not enjoy, or should no longer enjoy, the rights conferred on him by a permit to which this article applies or should enjoy them subject to such limitations or qualifications as the Secretary of State may determine.

(5) In particular, and without prejudice to the generality of the foregoing, the Secretary of State may exercise his said powers if it appears to him that—

- (a) the person to whom the permit was granted has committed a breach of any condition to which it is subject;
- (b) any agreement between Her Majesty's Government in the United Kingdom and the Government of any other country in pursuance of which or in reliance on which the permit was granted is no longer in force or that that other Government has committed a breach thereof;
- (c) the person to whom the permit was granted, or a Government which is a party to an agreement referred to in sub-paragraph (b), or the aeronautical authorities of the country concerned, have—
- (i) acted in a manner which is inconsistent with or prejudicial to the operation in good faith, and according to its object and purpose, of any such agreement; or
- (ii) engaged in unfair, discriminatory or restrictive practices to the prejudice of the holder of an Air Transport Licence granted under section 65 of the Civil Aviation Act 1982⁽¹⁾ or the holder of a route licence granted under that section as applied by section 69A of that Act in his operation of air services to or from points in the country concerned or of the operator of an aircraft registered in and licensed to operate from any of the Territories by regulations under section 13 of the Act in his operation of air services to or from points in the country concerned;
- (d) the person to whom the permit was granted, having been granted it as a person designated by the Government of a country other than the United Kingdom for the purposes of any such agreement, is no longer so designated or that that person has so conducted himself, or that such circumstances have arisen in relation to him, as to make it necessary or expedient to disregard or qualify the consequences of his being so designated.

(6) The permit-holder or any person having the possession or custody of any permit which has been revoked, suspended or varied under this article shall surrender it to the Secretary of State within a reasonable time of being required by him to do so.

(7) The breach of any condition subject to which any permit to which this article applies has been granted shall render the permit invalid during the continuance of the breach.

(8) The permits to which this article applies are permissions granted by the Secretary of State or the Governor as the case may be under Article 135 or Article 137 and any approvals or authorisations of, or consents to, any matter which the Secretary of State or the Governor has granted, or is deemed to have granted, in pursuance of a permission which he has so granted.

(9) References in this Article to the "permit-holder" are references to the person to whom any permit to which this article applies has been granted, or that is deemed to have been granted.

(1) 1982 c.16.

(10) The Secretary of State may, in any particular case, or class of cases, delegate to the Governor the exercise of the powers conferred on the Secretary of State under this article in respect of permissions granted by the Secretary of State or the Governor as the case may be under Article 135 of this Order and any approvals or authorisations of, or consents to, any matter which the Secretary of State or the Governor has granted, or is deemed to have granted, in pursuance of a permission which he has so granted.

(11) The provisions of this Article have effect, as from the commencement of this Order, as well in relation to permits, being permits to which this Article applies, granted before the commencement of this Order as in relation to those granted thereafter.

Offences in relation to documents and records

124.—(1) A person shall not with intent to deceive—

- (a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under this Order which has been forged, altered, revoked or suspended, or to which he is not entitled;
- (b) lend any certificate, licence, approval, permission, exemption or any other document issued or having effect or required by or under this Order to, or allow it to be used by, any other person; or
- (c) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, licence, approval, permission or exemption or other document;

and in this paragraph a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy thereof.

(2) A person shall not intentionally damage, alter or render illegible any logbook or other record required by or under this Order to be maintained or any entry made therein or knowingly make, or procure or assist in the making of, any false entry in or material omission from any such log book or record or destroy any such log book or record during the period for which it is required under this Order to be preserved.

(3) All entries made in writing in any logbook or record referred to in paragraph (2) shall be made in ink.

(4) A person shall not knowingly make in a load sheet any entry that is incorrect in any material particular, or any material omission from such a load sheet.

(5) A person shall not purport to issue any certificate for the purposes of this Order unless he is authorised to do so under this Order.

(6) A person shall not issue any certificate for the purposes of this Order unless he has satisfied himself that all statements in the certificate are correct.