
STATUTORY INSTRUMENTS

2007 No. 3468

The Air Navigation (Overseas Territories) Order 2007

PART XV

OFFENCES AND PENALTIES

Endangering safety of aircraft

125. A person shall not recklessly or negligently act in a manner likely to endanger an aircraft, or any person therein.

Endangering safety of any person or property

126. A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property.

Drunkenness in aircraft

127.—(1) A person shall not enter any aircraft when drunk, or be drunk in any aircraft.

(2) A person shall not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, 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 so to act or so as to create a risk to that person or any other person.

Smoking in aircraft

128.—(1) Notices indicating when smoking is prohibited shall be exhibited in every aircraft registered in the Territory so as to be visible from each passenger seat.

(2) A person shall not smoke in any compartment of an aircraft registered in the Territory at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the pilot-in-command of the aircraft.

Authority of pilot-in-command and members of the crew of an aircraft

129.—(1) Every person in an aircraft must obey all lawful commands which the pilot-in-command or a member of the crew of that aircraft may give for the purpose of securing the safety of the aircraft and of the persons or property carried on board, or the safety, efficiency or regularity of air navigation.

(2) No person may operate on any aircraft any mobile or cell phone, computer or other electronic device that is designed to transmit or capable of transmitting electromagnetic energy otherwise than in accordance with the permission of the pilot-in-command of that aircraft.

(3) Paragraph (2) of this article does not apply to—

(a) hearing aids; or

- (b) heart pacemakers; or
- (c) portable voice recorders; or
- (d) electric shavers; or
- (e) electronic watches; and
- (f) any other portable electronic device if the operator or pilot-in-command of the aircraft has determined that the said portable electronic device to be used will not cause interference with any aircraft system or equipment of the aircraft on which it is used.

Acting in a disruptive manner

130. No person shall while in an aircraft—

- (a) use any threatening, abusive or insulting words towards a member of the crew of the aircraft;
- (b) behave in a threatening, abusive, insulting or disorderly manner towards a member of the crew of the aircraft; or
- (c) intentionally interfere with the performance by a member of the crew of the aircraft of his duties.

Obstruction of persons

131. A person shall not intentionally obstruct or impede any person acting in the exercise of his powers or the performance of his duties under this Order.

Enforcement of directions

132. Any person who without reasonable excuse fails to comply with any direction given to him under any provision of this Order or any regulations made thereunder shall be deemed for the purposes of this Order to have contravened that provision.

Stowaways

133. A person shall not secrete himself for the purpose of being carried in an aircraft without the consent of either the operator or the pilot-in-command or of any other person entitled to give consent to his being carried in the aircraft.

Penalties

134.—(1) If any provision of this Order or of any regulations made or instructions given thereunder is contravened in relation to an aircraft, the operator of that aircraft and the pilot-in-command and, in the case of a contravention of article 135, the charterer of that aircraft, shall (without prejudice to the liability of any other person for that contravention) be deemed for the purposes of the following provisions of this article to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order or of any regulations made thereunder was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) Where a person is charged with contravening a provision of this Order or of any regulations made thereunder by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of commercial air transport or aerial work the flight shall be treated (without prejudice

to the liability of any other person under this Order) as not having been for that purpose if he proves that he neither knew nor suspected that the flight was for that purpose.

(4) If any person contravenes any provision of this Order or of any regulations made thereunder not being a provision referred to in paragraphs (5) or (6), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1000

(5) If any person contravenes any provision specified in Part A of Schedule 7 to this Order he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2500

(6) If any person contravenes any provision specified in Part B of the said Schedule he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5000 and on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both.