
STATUTORY INSTRUMENTS

2013 No. 2870

The Air Navigation (Overseas Territories) Order 2013

PART 21

OCCURRENCE REPORTING

Mandatory occurrence reporting

174.—(1) The objective of this article is to contribute to the improvement of air safety by ensuring that the relevant information on safety is reported, collected, stored, protected and disseminated.

(2) The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability.

(3) This article applies to occurrences that endanger or which, if not corrected, would endanger an aircraft, its occupants or any other person.

(4) Every person listed below must report to the Governor any event which constitutes a reportable occurrence for the purposes of paragraph (5) and which comes to that person's attention in the exercise of that person's functions—

- (a) the operator and the pilot-in-command of an aircraft which has a certificate of airworthiness or permit to fly issued by the Governor;
- (b) the operator and the pilot-in-command of an aircraft operated under an air operator's certificate granted by the Governor;
- (c) a person who carries on in the Territory the business of manufacturing, repairing or overhauling an aircraft referred to in sub-paragraphs (a) or (b), or any equipment or part thereof;
- (d) a person who carries on the business of maintaining or modifying an aircraft that has a certificate of airworthiness or permit to fly issued by the Governor and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
- (e) a person who carries on the business of maintaining or modifying an aircraft, operated under an air operator's certificate granted by the Governor, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
- (f) a person who signs an airworthiness report or a certificate of release to service in respect of such an aircraft, part or equipment;
- (g) a person who performs a function which requires an air traffic controller's licence or flight information service authority;
- (h) an aerodrome certificate holder, operator or manager of a certificated or licensed aerodrome;
- (i) a person who performs a function connected with the installation, modification, maintenance, repair, overhaul, flight checking or inspection of air navigation facilities which are utilised by a person who provides an air traffic control service under an approval issued by the Governor;

- (j) a person who performs a function concerning the ground-handling of aircraft, including fuelling, servicing, load sheet preparation, de-icing and towing.
- (5) In this article ‘reportable occurrence’ means—
- (a) any incident relating to an aircraft or any defect in or malfunctioning of an aircraft or any part or equipment of such an aircraft, being an incident, malfunctioning or defect endangering, or which if not corrected would endanger, the aircraft, its occupants or any other person; and
- (b) any defect in or malfunctioning of any facility on the ground used or intended to be used for purposes of or in connection with the operation of an aircraft, being a defect or malfunctioning endangering, or which if not corrected would endanger, an aircraft or its occupants.
- (6) Any accident or serious incident notified to the Governor under regulations made under section 75 of the Act⁽¹⁾ does not constitute a reportable occurrence for purposes of this article.
- (7) Reports of occurrences must be made within such time, by such means and contain such information as may be specified by the Governor in requirements published under article 5 and must be presented in such form as the Governor may in any particular case approve.
- (8) Nothing in this article requires a person to report any occurrence which that person has reason to believe has been or will be reported by another person to the Governor in accordance with this article.
- (9) A person must not make any report under this article knowing or having reason to believe that the report is false in any particular.
- (10) If the operator of an aircraft has reason to believe that a report has been or will be made under this article, the operator must preserve any data from a flight data recorder or a combined cockpit voice recorder/flight data recorder relevant to the reportable occurrence for 14 days from the date on which a report of that occurrence is made to the Governor or for such longer period as the Governor may in a particular case direct.
- (11) The record referred to in paragraph (10) may be erased if the aircraft is outside the Territory and it is not reasonably practicable to preserve the record until the aircraft reaches the Territory.

Mandatory reporting of bird strikes

- 175.**—(1) The pilot-in-command of an aircraft must make a report to the Governor of any bird strike occurrence which occurs whilst the aircraft is in flight within the Territory.
- (2) The report must be made within such time, by such means and contain such information as may be specified by the Governor in requirements published under article 5 and be presented in such form as the Governor may in a particular case approve.
- (3) Nothing in this article requires a person to report any occurrence which that person has reported under article 174 or has reason to believe has been or will be reported by another person to the Governor in accordance with that article.
- (4) A person must not make any report under this article knowing or having reason to believe that the report is false in any particular.
- (5) In this article “bird strike occurrence” means an incident in flight in which the pilot-in-command of an aircraft has reason to believe that the aircraft has been in collision with one or more than one bird.

(1) Section 75 was extended to the Territory by the Civil Aviation Act 1982 (Overseas Territories) Order 2001 (S.I. 2001/3367).