

EXPLANATORY MEMORANDUM TO
THE AIR NAVIGATION (OVERSEAS TERRITORIES) (ENVIRONMENTAL
STANDARDS) (AMENDMENT) ORDER 2015

2015 No. 236

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order corrects an error in the definition of “noise certificate” in article 3(1) in the Air Navigation (Overseas Territories) (Environmental Standards) Order 2014 (“the 2014 Order”) (S.I. No. 2926 of 2014).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 This error was notified to the Foreign and Commonwealth by a letter from the Committee dated 10 December 2014.

4. Legislative Context

4.1 The provisions of the 2014 Order align more closely with the Overseas Territories Aviation Requirements (OTARs) which are published by the Governor of a Territory under authority of the Air Navigation (Overseas Territories) Order 2013.

4.2 This Order corrects the definition of ‘noise certificate’ in article 3(1) so that it includes a certificate validated by the Governor in accordance with article 4 of the 2014 Order as well as a certificate validated in accordance with article 5.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom’s Overseas Territories with the exception of Gibraltar and the British Antarctic Territory.

6. European Convention on Human Rights

6.1 As this is a negative order, no statement is required.

7. Policy background

7.1 Article 7 of the Air Navigation (Overseas Territories) Order 2013 places responsibility on the Governor of a Territory to make arrangements and publish requirements for implementing the Chicago Convention and the Annexes to it. Annex 16 of that Convention sets out standards and limits for noise and emissions made by

aircraft. The 2014 Order enables the Governor to apply the latest standards of Annex 16 to the Overseas Territories.

8. Consultation outcome

8.1 As this is a minor correction to a previous Order there has been no consultation.

9. Guidance

9.1 None.

10. Impact

10.1 The impact on businesses, charities and voluntary bodies is negligible, as aircraft manufacturers and companies modifying aircraft used in the Territories will already be applying the current, internationally-adopted standards of Annex 16. However, it will provide additional flexibility in the means of demonstrating that they meet those standards.

10.2 The 2014 Order has no significant impact on the public sector other than allowing the aviation regulator in the Territories to work to the latest standards.

11. Regulating small business

11.1 The legislation applies to small business. However the standards of Annex 16 do not apply to smaller and lighter aircraft.

12. Monitoring & review

12.1 Air Safety Support International (“ASSI”) will monitor the Overseas Territories’ aviation industry to ensure compliance with the standards which are set out in more detail in the OTARs.

12.2 The 2014 Order is regularly reviewed and updated by ASSI and amendments proposed as necessary.

13. Contact

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