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STATUTORY INSTRUMENTS

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**1989 No. 2395**

**The Air Navigation (Overseas Territories) Order 1989**

**PART X**

**GENERAL**

*Mandatory reporting*

**86.**—(1) Subject to the provisions of this Article, every person who—

- (a) is the operator or the commander of a public transport aircraft which is registered in the Territory and has a maximum total weight authorised of more than 2,300 kg; or
- (b) carries on the business of manufacturing, repairing or overhauling such an aircraft, or any equipment or part thereof; or
- (c) signs a certificate of maintenance review or release to service in respect of such an aircraft, part or equipment; or
- (d) performs a function for which he requires an air traffic controller's licence; or
- (e) is the licensee or manager of a licensed aerodrome,

shall—

- (i) make a report to the Governor of any reportable occurrence of which he knows and which is of such a description as is specified in Regulation 16 in Schedule 14 to this Order; the report shall be made within such time, by such means, and shall contain such information as is so specified and it shall be presented in such form as the Governor may in any particular case approve, and
- (ii) make a report to the Governor, within such time, by such means, and containing such information as the Governor may specify in a notice in writing served upon him, being information which is in his possession or control and which relates to a reportable occurrence which has been reported by him or by another person to the Governor in accordance with this Article.

(2) In this Article “reportable occurrence” means—

- (a) any incident relating to such an aircraft or any defect in or malfunctioning of such 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;
- (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 such an aircraft, being a defect or malfunctioning endangering, or which if not corrected would endanger, such an aircraft or its occupants:

Provided that any accident notified to the Governor in pursuance of regulations made under section 10 of the Act as set out in Schedule 2 of the Civil Aviation Act 1949 (Overseas

Territories) Order 1969(1) shall not constitute a reportable occurrence for purposes of this Article.

(3) Subject to paragraph (1)(ii) of this Article, nothing in this Article shall require a person to report any occurrence which he has reason to believe has been or will be reported by another person to the Governor in accordance with this Article.

(4) A person shall not make any report under this Article if he knows or has reason to believe that the report is false in any particular.

(5) Without prejudice to Article 37(2) and subject to the provisions of Article 59 of this Order, the operator of an aircraft shall, if he has reason to believe that a report has been or will be made in pursuance of this Article, preserve any data from a flight data recorder relevant to the reportable occurrence for fourteen 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:

Provided that the record 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.