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STATUTORY INSTRUMENTS

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**2001 No. 2128**

**The Air Navigation (Overseas Territories) Order 2001**

**PART VII**

*Documents and Records*

**Documents to be carried**

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

- (a) (2) (a) Subject to sub-paragraph (b), an aircraft registered in the Territory shall, when in flight, carry documents in accordance with Schedule 11 to this Order.
- (b) If the flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than the Territory, the documents may be kept at that aerodrome instead of being carried in the aircraft.

**Keeping and production of records of exposure to cosmic radiation**

**77.**—(1) A relevant undertaking shall keep a record for the period and in the manner prescribed in Schedule 17 to this Order of the exposure to cosmic radiation of air crew assessed under article 75 and the names of the air crew concerned.

(2) A relevant undertaking shall, within a reasonable period after being requested to do so by an authorised person, cause to be produced to that person the record required to be kept under paragraph (1).

(3) A relevant undertaking shall, within a reasonable period after being requested to do so by a person in respect of whom a record is required to be kept under paragraph (1), supply a copy of that record to that person.

**Production of documents and records**

**78.**—(1) The commander 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 76 of this Order 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 documents referred to in Schedule 11 to this Order as Documents A, B and G;

- (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 of this Order;
  - (d) in the case of a public transport aircraft or aerial work aircraft, the documents referred to in Schedule 11 to this Order as Documents D and H;
  - (e) in the case of an aircraft in respect of which a certificate of airworthiness in either the transport or aerial work category is in force, the documents referred to in Schedule 11 to this Order as Documents E and F;
  - (f) any records of flight times, duty periods and rest periods which he is required by article 72(4) of this Order 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;
  - (g) any such operations manuals as are required to be made available under article 31(2)(a)(i) of this Order;
  - (h) the record made by any flight data recorder required to be carried by or under this Order.
- (a) (3) (a) The holder of a licence granted or rendered valid under this Order 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. The requirements of this paragraph shall be deemed to have been complied with, except in relation to licences required by article 76 to be carried in the aircraft or kept at an aerodrome, if the licence requested is produced within five days after the request has been made at a police station in the Territory specified, at the time the request is made, by the person to whom the request is made.
- (b) The foregoing provisions of this paragraph shall apply to a medical certificate required pursuant to article 21(2)(b)(ii) of this Order as they apply to a licence granted or rendered valid under this Order.
- (4) Every person required by article 28 of this Order 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 two years after the date of the last entry therein.

### **Power to inspect and copy documents and records**

**79.** An authorised person shall have the power to inspect and copy any certificate, licence, log book, document or record which he has the power pursuant to this Order and any regulations made thereunder to require to be produced to him.

### **Preservation of documents, etc.**

**80.—(1)** Subject to paragraph (2), 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.

- (a) (2) (a) If another person becomes the operator of the aircraft, the first-mentioned operator or his personal representative shall deliver to that person upon demand the certificates of maintenance review and 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 53(2) and (4) of this Order which are in force or required to be preserved in respect of that aircraft.

- (b) If an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person the first-mentioned operator or his personal representative shall deliver to that person upon demand the log book relating to that engine or propeller.
- (c) If any person in respect of whom a record has been kept by the first mentioned operator in accordance with article 72(4) of this Order becomes a member of the flight crew of a public transport aircraft registered in the Territory and operated by another person the first-mentioned operator or his personal representative shall deliver those records to that other person upon demand.
- (d) It shall be the duty of the other person referred to in sub-paragraphs (a), (b) and (c) to deal with the document or record delivered to him as if he were the first-mentioned operator.

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

- (a) **81.** (1) (a) Subject to paragraphs (4) and (5), 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.
  - (b) 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.
- (2) 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.
- (3) 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.
- (4) The provisions of article 82 of this Order shall have effect, in place of the provisions of this article, in relation to permissions granted by the Secretary of State or the Governor, as the case may be, under article 113 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.
- (5) Notwithstanding paragraph (1), 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 113 or article 115**

- 82.**—(1) Subject to the provisions of this article, 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. In particular, and without prejudice to the generality of the foregoing, the Secretary of State may exercise his said powers if:

- (a) it appears to him that the person to whom the permit was granted has committed a breach of any condition to which it is subject;
- (b) it appears to him that 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) it appears to him that the person to whom the permit was granted, or such other Government as aforesaid (that is to say, a Government which is a party to such an agreement as aforesaid with Her Majesty's Government in the United Kingdom), or the aeronautical authorities of the country concerned, have 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 as aforesaid, or have 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) as it applies in the United Kingdom 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; and
- (d) it appears to him that 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 as aforesaid, 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.

(5) 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.

(6) 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.

(7) 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 113 or Article 115 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.

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(1) 1982 c. 16.

(8) 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 is deemed to have been granted.

(9) 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 113 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.

(10) The provisions of this Article shall 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**

**83.**—(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, 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 log book 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 log book or record referred to in paragraph (2) shall be made in ink or indelible pencil.

(4) A person shall not knowingly make in a load sheet any entry which 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 purpose of this Order, of any regulations made thereunder unless he is authorised to do so under this Order.

(6) A person shall not issue any certificate as aforesaid unless he has satisfied himself that all statements in the certificate are correct.