
STATUTORY INSTRUMENTS

2001 No. 2128

The Air Navigation (Overseas Territories) Order 2001

PART VIII

Movement of Aircraft

Rules of the Air

84.—(1) The Governor may make Rules of the Air supplementary to but not inconsistent with the Rules of the Air in Schedule 13 to this Order.

(2) Subject to the provisions of paragraph (3), it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air.

(3) It shall be lawful for the Rules of the Air to be departed from to the extent necessary:

- (a) for avoiding immediate danger;
- (b) for complying with the law of any country other than the Territory within which the aircraft then is; or
- (c) for complying with Military Flying Regulations (Joint Service Publication 318) or Flying Orders to Contractors (Aviation Publication 67) issued by the Secretary of State in relation to an aircraft of which the commander is acting as such in the course of his duty as a member of any of Her Majesty's naval, military or air forces.

(4) If any departure from the Rules of the Air is made for the purpose of avoiding immediate danger, the commander of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within 10 days thereafter to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the Governor.

(5) Nothing in the Rules of the Air shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

Power to prohibit or restrict flying

(a) **85.** (1) (a) Where the Governor deems it necessary in the public interest to restrict or prohibit flying by reason of:

- (i) the intended gathering or movement of a large number of persons;
- (ii) the intended holding of an aircraft race or contest or of a flying display; or
- (iii) national defence or any other reason affecting the public interest;

the Governor may make regulations prohibiting, restricting or imposing conditions on flight:

- (aa) by any aircraft, whether or not registered in the Territory, in any airspace over the Territory; and

(bb) by aircraft registered in the Territory, in any other airspace, being airspace in respect of which the Government of the Territory has in pursuance of international arrangements undertaken to provide navigation services for aircraft.

(b) Regulations made under this article may apply either generally or in relation to any class of aircraft.

(2) It shall be an offence to contravene or permit the contravention of or fail to comply with any regulations made hereunder.

(3) If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any regulations which have been made for any of the reasons referred to in paragraph (1)(a)(iii) he shall, unless otherwise instructed pursuant to paragraph (4), cause the aircraft to leave the area to which the regulations relate by flying to the least possible extent over such area and the aircraft shall not begin to descend while over such an area.

(4) The commander of an aircraft flying either within an area for which regulations have been made for any of the reasons referred to in paragraph (1)(a)(iii) or within airspace notified as a Danger Area shall forthwith comply with instructions given by radio by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

Balloons, kites, airships, gliders and parascending parachutes

86.—(1) The provisions of this article shall apply only to or in relation to aircraft within the Territory.

(a) (2) (a) A balloon in captive or tethered flight shall not be flown within 60 metres of any vessel, vehicle or structure except with the permission of the person in charge of any such vessel, vehicle or structure.

(b) (i) a glider or parascending parachute shall not be launched by winch and cable or by ground tow to a height or more than 60 metres above ground level;

(ii) a balloon in captive flight shall not be flown within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;

(iii) a balloon in captive or tethered flight shall not be flown at a height measured to the top of the balloon of more than 60 metres above ground level;

(iv) a kite shall not be flown at a height of more than 30 metres above ground level within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;

(v) a kite shall not be flown at a height of more than 60 metres above ground level; and

(vi) a parascending parachute shall not be launched by winch and cable or by ground tow within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;

without the permission in writing of the Governor and in accordance with any conditions subject to which that permission may have been granted.

(3) An uncontrollable balloon in captive or released flight shall not be flown in airspace notified for the purposes of this paragraph without the permission in writing of the Governor and in accordance with any conditions subject to which that permission may have been granted.

(4) A controllable balloon shall not be flown in free controlled flight:

(a) within airspace notified for the purposes of this paragraph; or

(b) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;

except during the day and in visual meteorological conditions.

- (5) A controllable balloon shall not be flown in tethered flight:
- (a) within airspace notified for the purposes of this paragraph; or
 - (b) within the aerodrome traffic zone of a notified aerodrome;

except with the permission of the appropriate air traffic control unit and in accordance with any conditions subject to which that permission may have been granted.

(6) A balloon when in captive flight shall be securely moored and shall not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings.

(7) An airship with a capacity exceeding 3,000 cubic metres shall not be moored other than at a notified aerodrome except with the permission in writing of the Governor and in accordance with any conditions subject to which that permission may have been granted.

(8) An airship with a capacity not exceeding 3,000 cubic metres, unless it is moored on a notified aerodrome, shall not be moored:

- (a) within 2 km of a congested area; or
 - (b) within the aerodrome traffic zone of a notified aerodrome except with the permission in writing of the Governor and in accordance with any conditions subject to which that permission may have been granted.
- (9) An airship when moored in the open shall be securely moored and shall not be left unattended.

(a) (10) (a) A person shall not cause or permit a group of small balloons exceeding 1,000 in number to be simultaneously released at a single site wholly or partly within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome unless that person has given to the Governor not less than 28 days previous notice in writing of the release.

(b) A person shall not cause or permit a group of small balloons exceeding 2,000 but not exceeding, 10,000 in number to be simultaneously released at a single site:

- (i) within airspace notified for the purposes of this sub-paragraph without the permission in writing of the Governor; or
- (ii) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome without the permission in writing of the Governor;

in either case other than in accordance with any conditions subject to which such a permission may have been granted.

(c) A person shall not cause or permit a group of small balloons greater than 10,000 in number to be simultaneously released at a single site except with the permission in writing of the Governor and in accordance with any conditions subject to which such a permission may have been granted.

(d) For the purposes of sub-paragraphs (a), (b) and (c) “simultaneously released at a single site” shall mean the release of a specified number of balloons during a period not exceeding 15 minutes from within an area not exceeding 1 km square.

(11) For the purposes of this article “a notified aerodrome” is an aerodrome notified for the purposes of rule 39 of the Rules of the Air and the “notified operating hours” means the times notified in respect of an aerodrome during which that rule applies.

Regulation of small aircraft

87.—(1) A person shall not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small aircraft so as to endanger persons or property.

(2) The person in charge of a small aircraft which weighs more than 7 kg without its fuel but including any articles of equipment installed in or attached to the aircraft at the commencement of its flight shall not fly such an aircraft:

- (a) unless the person in charge of the aircraft has reasonably satisfied himself that the flight can safely be made;
- (b) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained;
- (c) within an aerodrome traffic zone during the notified hours of watch of the air traffic control unit (if any) at that aerodrome unless the permission of any such air traffic control unit has been obtained;
- (d) at a height exceeding 400 ft above the surface unless it is flying in airspace described in sub-paragraphs (b) or (c) and in accordance with the requirements thereof; or
- (e) for aerial work purposes other than in accordance with a permission issued by the Governor which may be issued subject to such conditions as the Governor thinks fit.