
STATUTORY INSTRUMENTS

2013 No. 2870

The Air Navigation (Overseas Territories) Order 2013

PART 19

AERODROMES, AERONAUTICAL LIGHTS AND DANGEROUS LIGHTS

Certification of aerodromes

155.—(1) A person in charge of the operation of an aerodrome in the Territory, other than a military aerodrome, is required to hold in respect of such aerodrome a certificate issued by the Governor in accordance with this article if—

- (a) the aerodrome is made available for any of the categories of operations referred to in article 156(3) of this Order; or
- (b) the Governor considers that it is in the public interest to require an aerodrome to be so certificated, taking into account only the matters referred to in paragraph (2).

(2) The Governor must grant a certificate in respect of any aerodrome in the Territory (an “aerodrome certificate”) upon being satisfied that—

- (a) the applicant meets the specified requirements and is competent to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are suitable for use by aircraft;
- (b) the aerodrome is safe for use by aircraft having regard in particular to the physical characteristics of the aerodrome and of its surroundings;
- (c) the applicant has established an effective safety management system appropriate to the size and complexity of the operation; and
- (d) the applicant has established an aerodrome manual that is adequate and appropriate.

(3) The Governor may grant an aerodrome certificate which, in addition to any other conditions that may be imposed, may include a condition that the aerodrome shall at all times when it is available for the take-off or landing of aircraft be so available to all persons on equal terms and conditions.

(4) The holder of an aerodrome certificate granted under paragraph (2) or paragraph (3) (in this article called “an aerodrome certificate holder”) must—

- (a) provide to any person on request information concerning the terms of the certificate; and
- (b) cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft.

(5) An aerodrome certificate holder must not contravene or cause or permit to be contravened any condition of the aerodrome certificate at any time in relation to such aircraft engaged on such flights as are referred to in article 156(3), but the certificate does not cease to be valid by reason only of such a contravention.

(6) An aerodrome certificate holder must take all reasonable steps to ensure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe at all times for use by aircraft.

(7) For the purposes of this article “visual traffic pattern” means the aerodrome traffic zone of the aerodrome, or, in the case of an aerodrome which is not notified for the purposes of rule 45 of the Rules of the Air, the airspace which would comprise the aerodrome traffic zone of the aerodrome if it was so notified.

Use of aerodromes and operating sites

156.—(1) The Governor may cause to be notified any military aerodrome as an aerodrome available for the take-off and landing of aircraft engaged on flights in any of the categories referred to in paragraph (3) of this article.

(2) An aircraft to which paragraph (3) applies must not take off or land at a place in the Territory other than—

- (a) an aerodrome certificated under article 155 for the take-off and landing of such aircraft; or
- (b) a military aerodrome notified under paragraph (1) as available for the take-off and landing of such aircraft, or in respect of which the person in charge of the aerodrome has given permission for the particular aircraft to take off or land as the case may be;

and in accordance with any conditions subject to which the aerodrome may have been certificated or notified, or subject to which such permission may have been given.

(3) Paragraph (2) applies to—

- (a) aircraft which are flying for the purpose of international operations;
- (b) aircraft having a maximum approved passenger seating configuration of more than 9 which are flying for the purpose of commercial air transport operations; and
- (c) aircraft having a certificated take-off mass exceeding 15,000 kg operating a flight for the purpose of commercial air transport.

(4) Paragraph (2) does not apply to or in relation to an aircraft flying under and in accordance with the terms of a police air operator’s certificate.

(5) The Governor may direct the operator of an aerodrome in the Territory that is not certificated under article 155 to make available at the aerodrome such rescue and fire fighting services as maybe specified, having regard to the nature and scope of the aircraft operations undertaken at the aerodrome.

(6) The person in charge of any place in the Territory intended to be used for the taking off or landing of helicopters at night must cause to be in operation, whenever a helicopter flying for the purpose of the commercial air transport of passengers is taking off or landing at that area by night, such lighting as will enable the pilot of the helicopter—

- (a) in the case of landing, to identify the landing area in flight, to determine the landing direction and to make a safe approach and landing; and
- (b) in the case of taking off, to make a safe take-off.

(7) For the purposes of paragraph (3)(a) “international operations” are operations in respect of which the point of departure of the flight and the point of its destination are in two different States or in respect of which the flight passes through the sovereign airspace of the territory of more than one State.

Instrument flight procedures

157.—(1) No person may establish an instrument flight procedure at an aerodrome in the Territory except under and in accordance with an approval granted by the Governor to the aerodrome certificate holder or to the person having the management of the aerodrome.

(2) An approval must be granted under paragraph (1) upon the Governor being satisfied—

- (a) as to the intended purpose of the procedure;
- (b) that the person applying for approval is competent to operate the procedure;
- (c) that any equipment associated with such procedure is fit for its intended purpose;
- (d) that the procedure has been designed by a person approved under paragraph (5) according to the specified requirements and the conditions specified in that approval.

(3) The aerodrome certificate holder or the person having the management of an aerodrome must cause an instrument flight procedure and its continuing status to be notified as a procedure available for the operation of aircraft at that aerodrome.

(4) No person may use an instrument flight procedure otherwise than in accordance with the published conditions for such use.

(5) The Governor may approve a person to design an instrument flight procedure for the purposes of paragraph 2(d) upon being satisfied that the person meets the Governor's requirements.

(6) This article does not apply to any military aerodrome in the Territory.

Charges at aerodromes certificated or licensed for public use

158.—(1) The Governor may, in relation to any aerodrome for which a certificate in accordance with article 155 has been granted, or to such aerodromes generally or to any class thereof, prescribe the charges, or the maximum charges, which may be made for the use of the aerodrome and for any services performed at the aerodrome to or for aircraft, and may further prescribe the conditions to be observed in relation to those charges and the performance of those services.

(2) The operator of an aerodrome in relation to which the Governor has prescribed charges under paragraph (1) must not cause or permit any charges to be made except as may be prescribed, and must cause particulars of the prescribed charges to be kept exhibited at the aerodrome in such a place and manner as to be readily available for the information of any person affected by them.

(3) The operator of any aerodrome for which an aerodrome certificate or licence for public use has been granted must, when required by the Governor, provide to the Governor such particulars as may be required of the charges established by the operator for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, efficiency or regularity of air navigation.

Use of aerodromes by aircraft of Contracting States

159. The person in charge of any aerodrome in the Territory which is open to public use by aircraft registered in the Territory (or in the United Kingdom or another Territory) must cause the aerodrome, and all air navigation facilities provided at it, to be available for use by aircraft registered in other Contracting States on the same terms and conditions as for use by aircraft registered in the Territory.

Noise and vibration caused by aircraft on aerodromes

160.—(1) The Governor may prescribe the conditions or circumstances under which noise and vibration may be caused by aircraft (including military aircraft) on certificated aerodromes, notified aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is being carried out.

(2) Such conditions or circumstances may include—

- (a) an aircraft is taking off or landing;
- (b) an aircraft is moving on the ground or water; or
- (c) engines are being operated in the aircraft—
 - (i) for the purpose of ensuring their satisfactory performance;

- (ii) for the purpose of bringing them to a proper temperature in preparation for, or at the end of, a flight; or
 - (iii) for the purpose of ensuring that the instruments, accessories or other components of the aircraft are in a satisfactory condition.
- (3) Section 41(2) of the Act(1) applies to any such aerodrome.

Customs and Excise airports

161.—(1) The Governor may by order designate any aerodrome to be a place for the landing or departure of aircraft for the purpose of the enactments for the time being in force relating to customs and excise.

- (2) The Governor may by order revoke any designation so made.

Aviation fuel at aerodromes

162.—(1) A person who has the management of any aviation fuel installation on an aerodrome in the Territory must not cause or permit any fuel to be delivered to that installation or from it to an aircraft unless—

- (a) when the aviation fuel is delivered into the installation that person is satisfied that—
 - (i) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in aircraft;
 - (ii) the installation is marked in a manner appropriate to the grade of fuel stored or if different grades are stored in different parts each part is so marked; and
 - (iii) in the case of delivery into the installation or part thereof from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation or that part of the installation as the case may be and is fit for use in aircraft; and
- (b) when any aviation fuel is dispensed from the installation that person is satisfied as the result of sampling that the fuel is fit for use in aircraft.

(2) Paragraph (1) does not apply to fuel that has been removed from an aircraft and is intended for use in another aircraft operated by the same operator as the aircraft from which it has been removed.

(3) A person to whom paragraph (1) applies must keep a written record for each installation of which that person has the management, which record must include—

- (a) particulars of the grade and quantity of aviation fuel delivered and the date of delivery;
- (b) particulars of all samples taken of the aviation fuel and of the results of tests of those samples; and
- (c) particulars of the maintenance and cleaning of the installation;

and the written record must be preserved for a period of 12 months or such longer period as the Governor may in a particular case direct and must, within a reasonable time after being requested to do so by an authorised person, be produced to that person.

(4) A person must not cause or permit any aviation fuel to be dispensed for use in an aircraft if that person knows or has reason to believe that the aviation fuel is not fit for use in aircraft.

(5) If it appears to the Governor or an authorised person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this article, the Governor or that authorised person may direct the person having the management of the installation not to permit aviation fuel

(1) Section 41(2) is extended to the Territory by Schedule 2 to the Civil Aviation Act 1949 (Overseas Territories) Order 1969 (S.I. 1969/592).

to be dispensed from that installation until the direction has been revoked by the Governor or by an authorised person.

(6) In this article—

“aviation fuel” means fuel intended for use in aircraft; and

“aviation fuel installation” means any apparatus or container, including a vehicle designed, manufactured or adapted for the storage of aviation fuel or for the delivery of such fuel to an aircraft.

Aeronautical lights

163.—(1) A person must not, except with the permission of the Governor and in accordance with any conditions subject to which the permission may be granted, establish, maintain or alter the character of—

(a) an aeronautical beacon within the Territory;

(b) any aeronautical ground light (other than an aeronautical beacon) at an aerodrome certificated under this Order or under regulations made under this Order, or which forms part of the lighting system for use by aircraft taking off from or landing at an aerodrome.

(2) In the case of an aeronautical beacon that is or may be visible from the waters within an area of a general lighthouse authority, the Governor must not give his permission for the purpose of this article except with the consent of that authority.

(3) A person must not intentionally or negligently interfere with any aeronautical ground light established by or with the permission of the Governor.

Lighting of en-route obstacles

164.—(1) For the purposes of this article an en-route obstacle means any building, structure or erection which is 150 metres or more above ground level other than any such building, structure or erection which is in the vicinity of a certificated or licensed aerodrome.

(2) The person in charge of an en-route obstacle must ensure that it is fitted with medium intensity steady red lights positioned as close as possible to the top of the obstacle and at intermediate levels spaced so far as practicable equally between the top lights and ground level with an interval not exceeding 52 metres.

(3) The person in charge of an en-route obstacle must ensure that, by night, the lights required to be fitted by this article are displayed.

(4) In the event of the failure of any light which is required by this article to be displayed by night the person in charge must repair or replace the light as soon as is reasonably practicable.

(5) At each level on the obstacle where lights are required to be fitted, sufficient lights must be fitted and arranged so as to show when displayed in all directions.

(6) In any particular case the Governor may direct that an en-route obstacle must be fitted with and display such additional lights in such positions and at such times as may be specified.

(7) This article does not apply to any en-route obstacle for which the Governor has granted permission to the person in charge.

(8) A permission may be granted for the purposes of this article in respect of a particular case or class of cases or generally.

Dangerous lights

165.—(1) A person must not exhibit in the Territory any light which—

- (a) by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome;
 - (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft; or
 - (c) is directed or shone at any aircraft in flight so as to dazzle or distract the pilot of the aircraft.
- (2) If any light which appears to the Governor to be a light referred to in paragraph (1)(a) and (b) is exhibited the Governor may cause a notice to be served upon the person who is the occupier of the place where the light is exhibited or has charge of the light, directing that person, within a reasonable time to be specified in the notice, to take such steps as may be specified in the notice for extinguishing or screening the light and for preventing for the future the exhibition of any other light which may similarly endanger aircraft.
- (3) The notice may be served either personally or by post, or by affixing it in some conspicuous place near to the light to which it relates.
- (4) In the case of a light that is or may be visible from any waters within the area of a general lighthouse authority, the power of the Governor under this article must not be exercised except with the consent of that authority.