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STATUTORY INSTRUMENTS

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**2015 No. 1769**

**The Air Navigation (Overseas Territories) (Amendment) Order 2015**

**Offences and penalties**

6. For article 185 substitute—

**“Offences and penalties**

**185.—**(1) Subject to paragraphs (2) and (3), if any provision of this Order or of any regulations made, or any direction or instructions given under it, is contravened in relation to an aircraft, the operator of that aircraft and the pilot-in-command and, in the case of a contravention of articles 135 and 137, the charterer of that aircraft, is (without prejudice to the liability of any other person for that contravention) deemed for the purposes of the following provisions of this article to have contravened that provision.

(2) A person will not be deemed to have contravened a provision referred to in paragraph (1) if the person proves that the contravention occurred without that person’s consent or connivance and that that person exercised all due diligence to prevent the contravention.

(3) If it is proved that an act or omission of any person, which would otherwise have been a contravention by that person of a provision of this Order or of any regulations made under it, was due to any cause not avoidable by the exercise of reasonable care by that person, the act or omission is deemed not to be a contravention by that person of that provision.

(4) Where a person is charged with contravening a provision of this Order or of any regulations made under it by reason of having been a member of the flight crew of an aircraft on a flight for the purpose of commercial air transport or aerial work, the flight is to be treated (without prejudice to the liability of any other person under this Order) as not having been for that purpose if the person proves that they did not know or suspect that the flight was for that purpose.

(5) Any person who contravenes any provision of this Order or of any regulations made under it not being a provision referred to in paragraphs (6) or (7), is guilty of an offence and liable on summary conviction to a fine not exceeding £1000, or its equivalent in the currency of the Territory.

(6) Any person who contravenes any provision specified in Part A of Schedule 5 is guilty of an offence and liable on summary conviction to a fine not exceeding £2500, or its equivalent in the currency of the Territory.

(7) Any person who contravenes any provision specified in Part B of Schedule 5 is guilty of an offence and liable—

- (a) on summary conviction to a fine not exceeding £5000, or its equivalent in the currency of the Territory; or
- (b) on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both.”.