STATUTORY INSTRUMENTS

2015 No. 1769

CIVIL AVIATION

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

Made - - - -	*8th October 2015*
Laid before Parliament	*15th October 2015*
Coming into force - -	*5th November 2015*

At the Court at Buckingham Palace, the 8th day of October 2015

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 8, 57, 59, 61 and 63(8) of the Civil Aviation Act 1949(**1**), as extended to certain territories by the Civil Aviation Act 1949 (Overseas Territories) Order 1969(**2**), and by section 61 of the Civil Aviation Act 1982(**3**), as extended to certain territories by the Civil Aviation Act 1982 (Overseas Territories) Order 2001(**4**), is pleased by and with the advice of Her Privy Council to make the following Order.

Citation, Commencement and Extent

1.—(1) This Order may be cited as the Air Navigation (Overseas Territories) (Amendment) Order 2015 and comes into force on 5th November 2015.

(2) In this Order the "principal Order" means the Air Navigation (Overseas Territories) Order 2013(**5**).

(3) This Order extends to the territories listed in Schedule 6 of the principal Order.

Amendment of the Air Navigation (Overseas Territories) Order 2013

2. The principal Order is amended as follows.

(**1**) 1949 c.67.
(**2**) S.I. 1969/592, amended by S.I. 2001/1452 and by S.I. 2011/2979. There are other amendments but none is relevant.
(**3**) 1982 c.16.
(**4**) S.I. 2001/1452.
(**5**) S.I. 2013/2870. There are amendments but none is relevant.

General Provisions

3. In article 19, after paragraph (1) insert—

"(1A) The Governor must publish requirements for the issuance of an export certificate of airworthiness, for the purpose of facilitating the transfer of the registration of an aircraft from the Territory to another State.".

Continued airworthiness

4. In article 26(1)(c), after "aircraft" insert "or by the Governor" and, after "with", insert ", or the Governor has approved alternative means of compliance with such directives".

5. After article 39 insert—

"**Airworthiness directive**

39A.—(1) This article applies only to aircraft registered in the Territory.

(2) The Governor may issue a mandatory airworthiness directive in respect of an aircraft or a class or a type of aircraft where it is considered necessary to ensure the airworthiness or continued airworthiness of the aircraft.

(3) An airworthiness directive may—

(a) require maintenance of an aircraft or aircraft component; and

(b) impose limitations or conditions on the operation of the aircraft.".

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.