
STATUTORY INSTRUMENTS

1989 No. 2395

The Air Navigation (Overseas Territories) Order 1989

PART IX

AERODROMES, AERONAUTICAL LIGHTS AND DANGEROUS LIGHTS

Aerodromes: public transport of passengers and instruction in flying

71.—(1) An aircraft to which this paragraph applies shall not take-off or land at a place in the Territory other than—

- (a) an aerodrome licensed under this Order for the take-off and landing of such aircraft; or
- (b) a Government aerodrome notified 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 his permission for the particular aircraft to take-off or land as the case may be,

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

(2) Paragraph (1) of this Article applies to—

- (a) aeroplanes of which the maximum total weight authorised exceeds 2,730 kg. and which are flying—
 - (i) for the purpose of public transport of passengers; or
 - (ii) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence; or
 - (iii) for the purpose of carrying out flying tests in respect of the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence;
- (b) aeroplanes of which the maximum total weight authorised does not exceed 2,730 kg. engaged on either—
 - (i) scheduled journeys for the purpose of the public transport of passengers; or
 - (ii) flights for the purpose of the public transport of passengers beginning and ending at the same aerodrome; or
 - (iii) flights for the purpose of—
 - (aa) instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence; or
 - (bb) a flying test in respect of the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence; or
 - (iv) flights for the purpose of the public transport of passengers at night;
- (c) helicopters and gyroplanes engaged on such flights as are specified in sub-paragraphs (b)(i) and (iii) above;

- (d) gliders (other than gliders being flown under arrangements made by a flying club and carrying no person other than a member of the club) which are flying for the purpose of the public transport of passengers or for the purpose of instruction in flying.
- (a) (3) (a) The person in charge of any area in the Territory intended to be used for the taking-off or landing of helicopters at night other than such a place as is specified in paragraph (1) of this Article shall cause to be in operation, whenever a helicopter flying for the purpose of public transport of passengers is taking-off or landing at that area by night, such lighting as will enable the pilot of the helicopter—
 - (i) 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;
 - (ii) in the case of taking-off, to make a safe take-off.
- (b) A helicopter flying for the purpose of the public transport of passengers at night shall not take-off or land at a place to which sub-paragraph (a) of this paragraph applies unless there is in operation such lighting.

Use of Government aerodromes

72. The Governor may cause to be notified subject to such conditions as he thinks fit any Government aerodrome as an aerodrome available for the take-off and landing of aircraft engaged on flights for the purpose of the public transport of passengers or for the purpose of instruction in flying or of any classes of such aircraft.

Licensing of aerodromes

73.—(1) The Governor may grant to any person applying therefor a licence in respect of any aerodrome in the Territory if he is satisfied that—

- (a) that person is competent, having regard to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe for use by aircraft; and
- (b) the aerodrome is safe for use by aircraft, having regard in particular to the physical characteristics of the aerodrome and of its surroundings.

(2) An aerodrome licence may be granted subject to such conditions as the Governor thinks fit and shall, subject to the provisions of Article 62 of this Order, remain in force for the period specified in the licence.

(3) Without prejudice to the generality of paragraph (2) of this Article the Governor may grant a licence (in this Order referred to as “a licence for public use”) which shall be subject to the 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 licence granted under this Order shall—

- (a) furnish to any person on request information concerning the terms of the licence; and
- (b) in the case of a licence for public use, cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft engaged on flights for the purpose of public transport of passengers or instruction in flying.

(5) The holder of an aerodrome licence granted under this Order shall not contravene or cause or permit to be contravened any condition of the aerodrome licence at any time in relation to such aircraft engaged on such flights as are specified in Article 71(2) of this Order, but the licence shall not cease to be valid by reason only of such a contravention.

Radio equipment at aerodromes

74.—(1) A person shall not cause or permit any aeronautical radio station to be established or used unless its purpose has been approved by the Governor and the equipment thereof is of a type the specification of which is approved by the Governor in relation to the purpose for which it is to be used.

(2) The person in charge of an aeronautical radio station the purpose of which is to provide navigational aid by radio or radar to an aircraft making an approach to land or landing at an aerodrome shall not cause or permit that aeronautical radio station to provide such navigational aid unless all aeronautical radio stations operated by that person at that aerodrome are:

- (a) installed, modified and maintained in a manner approved by the Governor; and
- (b) flight checked by the Governor or by a person approved by the Governor for that purpose on such occasions as the Governor may require:

Provided that the provisions of this paragraph shall not apply to any aeronautical radio station which is used solely for the purpose of enabling communications to be made by or on behalf of the operator of an aircraft and the commander thereof.

(3) The person in charge of an aeronautical radio station at an aerodrome for which a licence for public use has been granted shall cause to be notified in relation to that aeronautical radio station the type and hours of operation of any service which is available for use by any aircraft, and in approving the purpose for which an aeronautical radio station is to be used at any other aerodrome the Governor may if he thinks fit require the person in charge of the aeronautical radio station to cause such information as aforesaid to be notified.

(4) The provisions of this Article shall not apply in respect to any aeronautical radio station of which the person in charge is the Governor.

Records at aerodromes

75.—(1) The person in charge of any aeronautical radio station the purpose of which is to provide navigational aid by radio or radar to an aircraft making an approach to land or landing at an aerodrome shall in respect of all aeronautical radio stations operated by him at that aerodrome:

- (a) keep a written record of functional tests, flight checks and particulars of any overhaul, repair, replacement or modification thereof; and
- (b) preserve the written record for a period of one year or such longer period as the Governor may in a particular case direct and shall within a reasonable time after being requested to do so by an authorised person produce such record to that person.

(2) The person in charge of an aeronautical radio station which is used for the provision of an air traffic control service by an air traffic control unit shall provide apparatus which is capable of recording the terms or content of any radio message or signal transmitted to any aircraft either alone or in common with other aircraft or received from any aircraft by the air traffic control unit.

(3) The apparatus provided in compliance with paragraph (2) of this Article shall be:

- (a) of a type the specification of which is approved by the Governor in relation to the particular aeronautical radio station; and
- (b) installed, modified and maintained in a manner approved by the Governor; and
- (c) in operation at all times when the aeronautical radio station is in operation for providing an air traffic control service.

(4) The person in charge of an aeronautical radio station shall ensure that each record made by the apparatus provided in compliance with paragraph (2) of this Article includes:

- (a) the identification of the aeronautical radio station; and

- (b) the date or dates on which the record was made; and
- (c) a means of determining the time at which each message or signal was transmitted; and
- (d) the identity of the aircraft to or from which and the radio frequency on which the message or signal was transmitted or received; and
- (e) the time at which the record started and finished.

(5) If at any time the apparatus provided in compliance with paragraph (2) of this Article ceases to be capable of recording the matters required by this Article to be included in the record the person in charge of the aeronautical station shall ensure that a written record is kept in which the particulars specified in paragraph (4) of this Article are recorded together with a summary of communications exchanged between the aeronautical radio station and aircraft.

(6) The person in charge of the aeronautical radio station shall preserve any record made in compliance with paragraphs (2) and (5) of this Article for a period of 30 days from the date on which the message or signal was recorded or for such longer period as the Governor may in a particular case direct, and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

(7) A person required by this Article to preserve any record by reason of his being the person in charge of the aeronautical radio station shall, if he ceases to be such person, continue to preserve the record as if he had not ceased to be such person, and in the event of his death the duty to preserve the record shall fall upon his personal representative:

Provided that if another person becomes the person in charge of the aeronautical radio station the previous person in charge or his personal representative shall deliver the record to that other person on demand, and it shall be the duty of that other person to deal with the record delivered to him as if he were that previous person in charge.

(8) The provisions of this Article shall not apply in respect of any aeronautical radio station of which the person in charge is the Governor.

Charges at aerodromes licensed for public use

76.—(1) The Governor may, in relation to any aerodrome in respect of which a licence for public use 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 in connection with aircraft, and may further prescribe the conditions to be observed in relation to those charges and the performance of those services.

(2) The licensee of an aerodrome in relation to which the Governor has made any regulations under paragraph (1) of this Article shall not cause or permit any charges to be made in contravention of those regulations and shall 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 thereby.

(3) The licensee of any aerodrome in respect of which a licence for public use has been granted shall, when required by the Governor, furnish to the Governor such particulars as he may require of the charges established by the licensee 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 and of the Commonwealth

77. The person in charge of any aerodrome in the Territory which is open to public use by aircraft registered in the Territory (whether or not the aerodrome is a licensed aerodrome) shall cause the aerodrome, and all air navigation facilities provided thereat, to be available for use by aircraft registered in other Contracting States or in any part of the Commonwealth on the same terms and conditions as for use by aircraft registered in the Territory.

Noise and vibration caused by aircraft on aerodromes

78. The conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, licensed aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft shall be as specified in Regulation 12 in Schedule 14 to this Order and section 41(2) of the Act as set out in Schedule 2 of the Civil Aviation Act 1949 (Overseas Territories) Order 1968(1) shall apply to any such aerodrome.

Aeronautical lights

79.—(1) Except with the permission of the Governor and in accordance with any conditions subject to which the permission may be granted, a person shall not establish, maintain or alter the character of:

- (a) an aeronautical beacon within the Territory:

Provided that, in the case of an aeronautical beacon which is or may be visible from the waters within an area of a lighthouse authority, the Governor shall not give permission for the purpose of this Article except with the consent of that authority, or

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

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

Dangerous lights

80.—(1) A person shall 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; or
(b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.

(2) If any light which appears to the Governor to be such a light as aforesaid 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 having 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 which is or may be visible from any waters within the area of a lighthouse authority, the powers of the Governor under this Article shall not be exercised except with the consent of that authority.

Customs and Excise airports

81.—(1) The Governor may, subject to such conditions as he may think fit, 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

82.—(1) A person who has the management of any aviation fuel installation on an aerodrome in the Territory shall 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 he 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; and
 - (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;
- (b) when any aviation fuel is dispensed from the installation he is satisfied as the result of sampling that the fuel is fit for use in aircraft:

Provided that this paragraph shall not apply in respect of fuel which 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.

(2) A person to whom paragraph (1) of this Article applies shall keep a written record in respect of each installation of which he has the management, which record shall 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;
- (c) particulars of the maintenance and cleaning of the installation;

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

- (3) (a) A person shall not cause or permit any aviation fuel to be dispensed for use in an aircraft if he knows or has reason to believe that the aviation fuel is not fit for use in aircraft.
- (b) 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 to be dispensed from that installation until the direction has been revoked by the Governor or by an authorised person.

(4) For the purpose of this Article:—

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

“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.