

2024 No. 384

CIVIL AVIATION

**The Air Navigation (Overseas Territories) (Amendment) Order
2024**

<i>Made</i> - - - -	<i>13th March 2024</i>
<i>Laid before Parliament</i>	<i>20th March 2024</i>
<i>Coming into force</i> - -	<i>10th April 2024</i>

At the Court at Buckingham Palace, the 13th day of March 2024

Present,

The King's Most Excellent Majesty in Council

His Majesty, in pursuance of sections 8(1), (2)(a) to (d), (f), (h) to (l), (n) and (q), (3), (4), and 57(1) and (2) of the Civil Aviation Act 1949(a), as extended to certain territories by the Civil Aviation Act 1949 (Overseas Territories) Order 1969(b), and in exercise of the powers conferred by sections 60(1), (2), (3)(a) to (d), (ff), (h) to (l), (n) and (q), (4), 61(1), 102(2) and (5) of, and paragraphs 1 and 2 of Part III of Schedule 13 to, the Civil Aviation Act 1982(c), as extended to Anguilla and Pitcairn, Henderson, Ducie and Oeno Islands by the Civil Aviation Act 1982 (Overseas Territories) Order 2021(d), is pleased, by and with the advice of His Privy Council, to order as follows:

Citation and commencement

1. This Order may be cited as the Air Navigation (Overseas Territories) (Amendment) Order 2024 and comes into force on 10th April 2024.

Amendment of the Air Navigation (Overseas Territories) Order 2013

2. The Air Navigation (Overseas Territories) Order 2013(e) is amended as follows.

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- (a) 1949 c. 67. The repeal of these provisions by Schedule 16 to the Civil Aviation Act 1982 (c. 16) has not been extended to the overseas territories: see paragraph 4(2) of Schedule 14 to that Act.
- (b) S.I. 1969/592. The territories are listed in Schedule 3 to that Order. S.I. 1969/592 was revoked in relation to Gibraltar by S.I. 2008/3120.
- (c) 1982 c. 16. Section 60 was amended by section 83(5) of, and Part 2 of Schedule 6 to, the Airports Act 1986 (c. 31), section 47 of, and Schedule 4 to, the Aviation and Maritime Security Act 1990 (c. 31), section 1 of, and Part 5 of Schedule 1 to, the Statute Law (Repeals) Act 1995 (c. 44), section 8 of the Civil Aviation Act 2006 (c. 34) and S.I. 1994/426. Section 101 and Part 3 of Schedule 13 were amended by section 106 of the Civil Aviation Act 2012 (c. 19) and S.I. 2001/4050.
- (d) S.I. 2021/477.
- (e) S.I. 2013/2870 as amended by S.I. 2014/2925, 2014/3281, 2015/1769, 2019/853, 2021/524 and 2021/755.

Interpretation

3. In article 3(1)—

- (a) after the definition of “to land” insert ““large unmanned aircraft” means any aircraft, having a maximum take-off mass exceeding 25 kg, operating or designed to operate autonomously or to be piloted remotely without a pilot on board;”;
- (b) in the definition of “safety management system”, after “accountabilities”, insert “responsibilities,”;
- (c) for the definition of “small unmanned aircraft” substitute—
““small unmanned aircraft” means any unmanned aircraft having a maximum mass not exceeding 25 kg;”.

Part 1 Powers and duties

4. In article 9 (right of access to aerodromes and other places), in paragraph (1)—

- (a) in sub-paragraph (g)—
 - (i) for “where” substitute “used by”;
 - (ii) omit “carries on business”;
- (b) in sub-paragraph (h)—
 - (i) for “premises” substitute “place”;
 - (ii) omit “and”;
- (c) in sub-paragraph (i) for “premises” substitute “place”;
- (d) after sub-paragraph (i) insert—

“(j) to any place for the purposes of exercising enforcement powers set out in article 123(1).”.

Part 2 Registration and marking of aircraft

5.—(1) For article 18 (changes to register), substitute—

“Changes to register

18.—(1) Any person who is the registered owner of an aircraft registered in the Territory must immediately inform the Governor in writing of—

- (a) any changes in the information supplied to the Governor when applying for the registration of the aircraft;
- (b) the destruction of the aircraft, or its permanent withdrawal from use; or
- (c) in the case of an aircraft registered under article 16(4), the termination of the charter by demise.

(2) Any person who becomes the owner of an aircraft registered in the Territory must, within 28 days of becoming the owner, inform the Governor in writing to that effect.

(3) Whenever it appears necessary or appropriate to do so the Governor may amend the register or cancel the registration of an aircraft, so as to give effect to this Part or to update or otherwise correct the register.

(4) Except where paragraph (5) applies, the Governor must cancel the registration of an aircraft within 2 months of being satisfied that there has been a change in the ownership of an aircraft.

(5) The Governor must cancel the registration of an aircraft as soon as reasonably practicable if satisfied either—

- (a) a person wishes and is entitled to procure the de-registration of the aircraft; or
- (b) subject to any transitional provisions under the law of the Territory in respect of Article 60 of the Cape Town Convention, that a person wishes, and is entitled, under the law of the Territory, to procure the de-registration of the aircraft in accordance with Article IX of the Aircraft Protocol.

(6) In this article and in article 20A—

- (a) “Aircraft Protocol” means the Protocol to the Cape Town Convention on matters specific to aircraft equipment; and
- (b) “the Cape Town Convention” means the Convention on International Interests in Mobile Equipment signed at Cape Town on 16th November 2001.”.

(2) In article 22 (nationality and registration marks), in paragraph (2A) for “complying” substitute “in compliance”.

Part 3 Airworthiness and equipment of aircraft

6. In article 28 (issue, re-issue etc. of permit to fly and special flight permit) in paragraph (6) omit “or special flight permit,”.

Part 6 Aircraft in flight

7.—(1) In article 73 (regulation of small unmanned aircraft) for paragraph (5) substitute—

“(5) A small unmanned aircraft must be operated in accordance with instructions issued and requirements published by the Governor, and in such a manner as to minimise hazards to persons, property or other aircraft.”.

(2) After article 73 insert—

“Regulation of large unmanned aircraft

73A—(1) The permission of the Governor must be obtained before a large unmanned aircraft may be operated in the Territory.

(2) A large unmanned aircraft may only be operated—

- (a) in accordance with—
 - (i) the terms and conditions of the permission required under paragraph (1);
 - (ii) any regulations, instructions, directions, guidance or requirements issued or published by the Governor; and
- (b) in such a manner as to minimise hazards to persons, property or other aircraft.

(3) A person in charge of a large unmanned aircraft may only fly the aircraft if satisfied the flight can safely be made and in accordance with any applicable airspace restrictions and air traffic control conditions and instructions in force.

(4) A person must not cause any article to be dropped from a large unmanned aircraft so as to endanger persons or property.

(5) An application for the grant of permission shall be made to the Governor in such form and with such information regarding the applicant and the proposed aircraft as the Governor specifies.

(6) The Governor may grant an application on such terms and conditions as the Governor specifies.”.

Part 11 Carriage of weapons and munitions of war

8. In article 108 (exceptions concerning carriage of weapons and munitions of war), in paragraph (4) for “Nothing” substitute “Other than the requirement in article 107(1)(b) nothing”.

Part 12 Carriage of dangerous goods

9.—(1) In article 118 (provisions of training by operators and shippers), in paragraph (2), after “In case of an operator” insert “resident in the Territory”.

(2) In article 124 (dangerous good occurrence reporting), after paragraph (1)(b) insert—

“(c) any entity in the Territory, other than operators, who are in possession of dangerous goods at the time a dangerous goods accident or incident occurs or is discovered;

(d) any entities in the Territory, other than operators, who discover undeclared or misdeclared dangerous goods, which entities may include, but which are not limited to, freight forwarders, customs authorities, and secure screening providers.”.

(3) In article 125 (definitions and interpretation) in the definition of “Technical Instructions”, for “2021-2022” substitute “2023-2024”.

Part 16 Air traffic services

10. In article 139A (fatigue of air traffic controllers), in paragraph (1), for “The” substitute “Save in respect of a Flight Information Services Officer, the”.

Part 17 Licensing of air traffic controllers

11. In article 144 (licensing of air traffic controllers and student air traffic controllers)—

(a) in paragraph (7) for “surveillance equipment” substitute “ATS surveillance system or service”;

(b) after paragraph (11) insert—

“(12) In paragraph (7) “ATS surveillance system” means variously Automatic Dependent Surveillance-Broadcast or Primary Surveillance Radar or Secondary Surveillance Radar or any comparable ground based system that enables the identification of aircraft; and “ATS surveillance service” means a service provided directly by means of an ATS surveillance system.”.

Part 20 Documents and records

12.—(1) In article 172 (validity of certificates, licences, authorisations, approvals and permissions) renumber the existing article 172 to 172(1).

(2) After the new article 172(1) add—

“(2) Subject to verification, wherever this Order provides for signing by the holder or issuer of the certificate, licence, approval or other document, a digital or e-signature may be accepted.”.

Part 23 Applicability and general provisions

13. For article 191 (exceptions for certain classes of aircraft) substitute—

“Exceptions for certain classes of aircraft

191—(1) Other than articles 3(1) and (4), 8(1)(b), 68(1), 70, 71, 73, 127, 128 and 177, this Order does not apply to or in relation to—

(a) any small balloon;

- (b) any kite weighing not more than 2 kg;
 - (c) any small unmanned aircraft;
 - (d) any parachute, including a parascending parachute.
- (2) Other than articles 3 to 13, 57, 68, 69, 73A, 74, 126 to 130, 168, 170 to 177 and 182 to 194, this Order does not apply to or in relation to large unmanned aircraft.”.

Schedule 4 Rules of the air

- 14.**—(1) Schedule 4 (rules of the air) is amended as follows.
- (2) In rule 24 (practice instrument approaches), in paragraph (2)(b) omit “not”.
- (3) For rules 56 to 58 (signals and markings) substitute—

“Signals in the signal area

56. Any signals required to be displayed shall be displayed in accordance with requirements published by the Governor.

Markings for paved runways and taxiways

57. Any markings required to be displayed shall be displayed in accordance with requirements published by the Governor.

Markings on unpaved manoeuvring areas

58. Any markings on unpaved manoeuvring areas required to be displayed shall be displayed in accordance with requirements published by the Governor.”.

Schedule 5 penalties

15. In part A of Schedule 5 (provisions referred to in article 185(5)), after table entry 73 insert “73A Flight by large unmanned aircraft”.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order in Council)

This Order amends the Air Navigation (Overseas Territories) Order 2013 (“the Order”) (S.I. 2013/2870) to update regulatory standards and to ensure that the aviation safety regime in the Overseas Territories complies with the United Kingdom’s obligations under the Chicago Convention of 7th December 1944.

The amendments include new provisions in relation to access to aerodromes for enforcement purposes (article 4), maintenance of the aircraft register (article 5), the regulation of small unmanned aircraft and large unmanned aircraft (articles 7 and 13), the acceptance of digital signatures (article 12), ensuring written confirmation to the pilot in command about the carriage of weapons of war in certain circumstances (article 8), and the reporting of dangerous goods (article 9).

The amendments also incorporate some of the latest definitions contained within the Chicago Convention and Procedures for Air Navigation Services - Air Traffic Management (“PANS-ATM”) and ensure compliance with International Civil Aviation Organization (“ICAO”) standards (article 11).

In addition, this Order makes changes to Schedule 4 to the Order (Rules of the Air) by updating the provisions relating to signals and marking, and makes changes to Schedule 5 to the Order by including penalties in relation to flights by large unmanned aircraft (articles 14 and 15).

A consultation in respect of these amendments was conducted with the territories subject to the Order and no objections were raised in relation to any of them.

A full impact assessment has not been produced for this instrument as no, or no significant impact on the private, voluntary or public sector is foreseen. An Explanatory Memorandum has been published alongside this Order and is available on www.legislation.gov.uk.

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