
STATUTORY INSTRUMENTS

2013 No. 2870

The Air Navigation (Overseas Territories) Order 2013

PART 6

AIRCRAFT IN FLIGHT

Rules of the Air

67.—(1) The Governor may, by regulation, make Rules of the Air supplementary to but not inconsistent with the Rules of the Air in Schedule 4.

(2) It is an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air.

(3) It is lawful to depart from the Rules of the Air to the extent necessary—

- (a) for avoiding immediate danger;
- (b) for complying with the law of any country other than the Territory within which the aircraft then is;
- (c) for complying with Military Flying Regulations or Flying Orders to Contractors issued by the Secretary of State in relation to an aircraft of which the pilot-in-command is acting in the course of his duty as a member of any of Her Majesty's naval, military or air forces.

(4) If any departure from the Rules of the Air is made for the purpose of avoiding immediate danger, the pilot-in-command of the aircraft must cause written particulars of the departure, and of the circumstances giving rise to it, to be given to the competent authority of the country in whose territory the departure was made or, if the departure was made over the high seas, to the Governor.

(5) Nothing in the Rules of the Air exonerates any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

Power to prohibit or restrict flying

68.—(1) Where the Governor decides it is necessary in the public interest to restrict or prohibit flying by reason of—

- (a) the intended gathering or movement of a large number of persons;
- (b) the intended holding of an aircraft race or contest or of a flying display; or
- (c) national defence or any other reason affecting the public interest;

the Governor may issue directions prohibiting, restricting or imposing conditions on flights by aircraft specified and flying in the circumstances specified in paragraph (2).

(2) The aircraft and circumstances referred to in paragraph (1) are—

- (a) aircraft, whether or not registered in the Territory, in any airspace over the Territory or in the neighbourhood of an offshore installation; and

- (b) aircraft registered in the Territory in any other airspace, being airspace in respect of which the Government of the Territory has, under international arrangements, undertaken to provide navigation services for aircraft.
- (3) Directions given under this article may apply either generally or in relation to any class of aircraft.
- (4) It is an offence to contravene, or permit the contravention of, or fail to comply with, any directions given under this article.
- (5) If the pilot-in-command of an aircraft becomes aware that the aircraft is flying in contravention of any directions which have been given for any of the reasons referred to in paragraph (1)(c) the pilot-in-command must, unless otherwise instructed under paragraph (6), cause the aircraft to leave the area to which the directions relate by flying to the least possible extent over such area and the aircraft must not begin to descend while over such an area.
- (6) The pilot-in-command of an aircraft flying either within an area for which directions have been given for any of the reasons referred to in paragraph (1)(c) or within airspace notified as a Danger Area must immediately comply with instructions given by radio by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

Flying Displays

- 69.**—(1) Except as provided in paragraph (12) and (14), no person may act as the organiser of a flying display (in this article referred to as ‘the flying display director’) without first obtaining the permission of the Governor for that flying display.
- (2) The pilot-in-command of an aircraft who is intending to participate in a flying display must be satisfied before participating that—
- (a) the flying display director has been granted an appropriate permission under paragraph (6);
 - (b) the flight can comply with any relevant conditions subject to which that permission may have been granted; and
 - (c) the pilot has been granted an appropriate pilot display authorisation.
- (3) The pilot-in-command who is participating in a flying display for which permission has been granted must comply with any conditions subject to which that permission may have been granted.
- (4) A person acting as pilot of an aircraft participating in a flying display must hold an appropriate pilot display authorisation and comply with any conditions subject to which the authorisation may have been given.
- (5) A flying display director must not permit any person to act as pilot of an aircraft that participates in a flying display unless that person holds an appropriate pilot display authorisation.
- (6) The Governor must grant a permission required by paragraph (1) upon being satisfied that the applicant is fit and competent to organise safely the proposed flying display, having regard in particular to the applicant’s—
- (a) previous conduct and experience;
 - (b) organisation, staffing and other arrangements.
- (7) The Governor may grant a permission subject to conditions in respect of military aircraft as the Governor thinks fit.
- (8) The Governor must, for the purposes of this article, grant a pilot display authorisation authorising the holder to act as pilot of an aircraft taking part in a flying display upon being satisfied that the applicant is—
- (a) a fit person to hold the authorisation; and

(b) is qualified by having the knowledge, experience, competence, skill, physical and mental fitness to fly in accordance with the authorisation.

(9) For the purposes of paragraph (8) the applicant must supply such evidence and undergo such examinations and tests as the Governor may require.

(10) The Governor may authorise a person to conduct such examinations or tests as may be specified.

(11) For the purposes of this article, an appropriate pilot display authorisation means an authorisation which is valid and appropriate to the intended flight and which has been granted by the Governor under paragraph (8).

(12) Paragraph (1) does not apply to—

(a) a flying display which takes place at a military aerodrome; or

(b) a flying display at which the only participating aircraft are military aircraft.

(13) A flying display director must not permit any military aircraft to participate in a flying display unless the director complies with any conditions concerning military aircraft subject to which permission for the flying display may have been granted.

(14) Nothing in this article applies to an aircraft race or contest or to an aircraft taking part in such a race or contest or to the pilot-in-command or pilot whether or not such race or contest is held in association with a flying display.

Balloons

70.—(1) This article applies to balloons within the Territory.

(2) A balloon in captive or tethered flight must not be flown without the permission in writing of the Governor.

(3) An uncontrollable balloon in released flight must not be flown in airspace notified for the purposes of this paragraph without the permission in writing of the Governor.

(4) Except during the day and in visual meteorological conditions a controllable balloon must not be flown in free controlled flight—

(a) within airspace notified for the purposes of this paragraph; or

(b) within the aerodrome traffic zone of an aerodrome during the notified operating hours of that aerodrome.

(5) A balloon when in captive flight must be securely moored and must not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings.

(6) Except with the permission of the Governor, and in accordance with its conditions, a person must not cause or permit a group of small balloons exceeding 1000 in number to be simultaneously released at a single site.

(7) For the purposes of this article ‘simultaneously released at a single site’ means the release of a specified number of balloons during a period not exceeding 15 minutes from within an area not exceeding 1 square km.

Gliders, kites and parascending parachutes

71.—(1) This article applies to gliders, kites and parascending parachutes within the Territory.

(2) Except with the permission of the Governor—

(a) a glider or parascending parachute must not be launched by winch and cable or by ground tow to a height of more than 60 metres above ground level;

- (b) a kite must not be flown at a height of more than 30 metres above ground level within the aerodrome traffic zone of an aerodrome during the notified operating hours of that aerodrome;
- (c) a kite must not be flown at a height of more than 60 metres above ground level; and
- (d) a parascending parachute must not be launched by winch and cable or by ground tow within the aerodrome traffic zone of an aerodrome during the notified operating hours of that aerodrome.

Airships

72.—(1) This article applies to airships within the Territory.

(2) An airship with a capacity exceeding 3000 cubic metres must not be moored other than at an aerodrome except with the permission in writing of the Governor.

(3) Except with the permission in writing of the Governor an airship with a capacity not exceeding 3000 cubic metres, unless it is moored on an aerodrome, must not be moored—

- (a) within 2 km of a congested area; or
- (b) within the aerodrome traffic zone of an aerodrome.

(4) An airship when moored in the open must be securely moored and must not be left unattended.

Regulation of small unmanned aircraft

73.—(1) A person must not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small unmanned aircraft so as to endanger persons or property.

(2) The person in charge of a small unmanned aircraft may only fly the aircraft if reasonably satisfied that the flight can safely be made.

(3) The person in charge of a small unmanned aircraft must maintain direct, unaided visual contact with the aircraft sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels and structures for the purpose of avoiding collisions.

(4) The person in charge of a small unmanned aircraft which has a mass of more than 7kg, excluding its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight, must not fly the aircraft—

- (a) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained;
- (b) within an aerodrome traffic zone during the notified hours of watch of the air traffic control unit (if any) at that aerodrome unless the permission of any such air traffic control unit has been obtained; or
- (c) at a height of more than 400 feet above the surface unless it is flying in airspace described in sub-paragraph (a) or (b) and in accordance with the requirements for that airspace.

(5) The person in charge of a small unmanned aircraft must not fly the aircraft for the purposes of aerial work except in accordance with a permission granted by the Governor.

(6) The person in charge of a small unmanned surveillance aircraft must not fly the aircraft in any of the circumstances described in paragraph (7) except in accordance with a permission issued by the Governor.

(7) The circumstances referred to in paragraph (6) are—

- (a) over or within 150 metres of any congested area;
- (b) over or within 150 metres of an organised open-air assembly of more than 1,000 persons;

- (c) within 50 metres of any vessel, vehicle or structure which is not under the control of the person in charge of the aircraft; or
 - (d) subject to paragraphs (8) and (9), within 50 metres of any person.
- (8) Subject to paragraph (9), during take-off or landing, a small unmanned surveillance aircraft must not be flown within 30 metres of any person.
- (9) Paragraphs (7)(d) and (8) do not apply to the person in charge of the small unmanned surveillance aircraft or a person under the control of the person in charge of the aircraft.
- (10) In this article “a small unmanned surveillance aircraft” means a small unmanned aircraft that is equipped to undertake any form of surveillance or data acquisition.