
STATUTORY INSTRUMENTS

1989 No. 2395

The Air Navigation (Overseas Territories) Order 1989

PART X

GENERAL

Penalties

91.—(1) If any provision of this Order or of any regulations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the commander thereof shall (without prejudice to the liability of any other person under this Order for that contravention) be deemed for the purposes of the following provisions of this Article to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) 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 thereunder was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) Where a person is charged with contravening a provision of this Order or of any regulations made thereunder by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of public transport or aerial work the flight shall be treated (without prejudice to the liability of any other person under this Order) as not having been for that purpose if he proves that he neither knew nor suspected that the flight was for that purpose.

(4) If any person contravenes any provision of this Order, or of any regulations made thereunder, not being a provision referred to in paragraphs (5) or (6) of this Article, he shall be liable on summary conviction to a fine not exceeding £200.

(5) If any person contravenes any provision specified in Part A of Schedule 12 to this Order he shall be liable on summary conviction to a fine not exceeding £400.

(6) If any person contravenes any provision specified in Part B of the said Schedule he shall be liable on summary conviction to a fine not exceeding £400 and on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both.