
STATUTORY INSTRUMENTS

2007 No. 3468

The Air Navigation (Overseas Territories) Order 2007

PART XII

AERONAUTICAL TELECOMMUNICATIONS SERVICE

Aeronautical Telecommunication Service records

102.—(1) The person in charge of any aeronautical telecommunication service and any associated equipment or apparatus required under paragraph (2) shall keep in respect of such an aeronautical telecommunication service and associated equipment or apparatus records specified by the Governor, and shall preserve such records for a period of one year or such longer period as the Governor may in a particular case direct.

(2) The person in charge of an aeronautical telecommunication service that is used for the provision of an air traffic control service by an air traffic control unit shall provide recording equipment or apparatus which is in accordance with paragraph (4).

(3) The Governor may direct the person in charge of any other aeronautical telecommunication service to provide recording apparatus in accordance with paragraph (4).

(4) The person in charge of the aeronautical telecommunication service in respect of which recording apparatus is required to be provided under paragraph (2) shall, subject to paragraph (5)—

- (a) ensure that when operated the equipment or apparatus is capable of recording and replaying the terms or content of any message or signal transmitted or received by or through that equipment and is capable of recording and replaying the terms or content of any voice radio message or signal transmitted to an aircraft either alone or in common with other aircraft or received from an aircraft by the air traffic control unit;
- (b) ensure that the apparatus is in operation at all times when the aeronautical telecommunication service is being used in connection with the provision of a service provided for the purpose of facilitating the navigation of aircraft;
- (c) ensure that each record made by the apparatus complies with the requirements specified by the Governor;
- (d) not cause or permit that apparatus to be used unless it is approved by the Governor; and
- (e) comply with the terms of such an approval.

(5) The Governor may in considering whether or not to grant an approval, without limitation, have regard to—

- (a) the purpose for which the apparatus is to be used;
- (b) the manner in which the apparatus has been specified and produced in relation to the purpose for which it is to be used;
- (c) the adequacy, in relation to the purpose for which the apparatus is to be used, of the operating parameters of the apparatus (if any);

(d) the manner in which the apparatus has been or will be operated, installed, modified, maintained, repaired and overhauled;

(e) the manner in which the apparatus has been or will be inspected.

(6) An approval may be granted subject to such conditions as the Governor thinks fit including, without limitation, conditions relating to the matters to which he may have had regard under paragraph (5) and may be granted in respect of one or more than one person or generally.

(7) If any equipment or apparatus required under paragraph (2) ceases to be capable of recording the matters required by this article to be included in the records, the person required to provide that equipment or apparatus shall ensure that, so far as practicable, a record is kept which complies with the Governor's requirements and on which the particulars specified therein are recorded together with, in the case of apparatus provided in compliance with paragraph (2), a summary of voice communications exchanged between the air traffic control service and any aircraft.

(8) If any apparatus required under paragraph (2) becomes unserviceable, the person in charge of the aeronautical telecommunication service shall ensure that the apparatus is rendered serviceable again as soon as reasonably practicable.

(9) The person in charge of any aeronautical telecommunication service shall preserve any record made in compliance with paragraphs (4) or (7) for a period of 30 days from the date on which the terms or content of the message or signal were recorded or for such longer period as the Governor may in a particular case direct.

(10) A person required by this article to preserve any record by reason of his being the person in charge of the aeronautical telecommunication service shall, if he ceases to be such a person, continue to preserve the record as if he had not ceased to be such a person, and in the event of his death the duty to preserve the record shall fall upon his personal representative.

(11) If another person becomes the person in charge of the aeronautical telecommunication service 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 any such record delivered to him as if he was the previous person in charge.

(12) The person in charge of any aeronautical telecommunication service shall within a reasonable time after being requested to do so by an authorised person produce any record required to be preserved under this article to that authorised person.

(13) The provisions of this article do not apply in respect of any aeronautical telecommunication service of which the person solely in charge is the Governor.