
STATUTORY INSTRUMENTS

2007 No. 3468

The Air Navigation (Overseas Territories) Order 2007

PART XVII

GENERAL

Mandatory reporting

139.—(1) The objective of this article is to contribute to the improvement of air safety by ensuring that the relevant information on safety is reported, collected, stored, protected and disseminated.

(2) The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability.

(3) Every person listed below shall report to the Governor any event which constitutes an occurrence for the purposes of paragraph (4) and which comes to his attention in the exercise of his functions—

- (a) the operator and the pilot-in-command of an aircraft which has a certificate of airworthiness or permit to fly issued by the Governor;
- (b) the operator and the pilot-in-command of an aircraft operated under an air operator's certificate granted by the Governor;
- (c) a person who carries on in the Territory the business of manufacturing, repairing or overhauling an aircraft referred to in sub-paragraphs (a) or (b), or any equipment or part thereof;
- (d) a person who carries on the business of maintaining or modifying an aircraft that has a certificate of airworthiness or permit to fly issued by the Governor and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
- (e) a person who carries on the business of maintaining or modifying an aircraft, operated under an air operator's certificate granted by the Governor, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
- (f) a person who signs an airworthiness report or a certificate of release to service in respect of such an aircraft, part or equipment;
- (g) a person who performs a function for which he requires an air traffic controller's licence or to be authorised as a flight information service officer;
- (h) an aerodrome certificate holder, operator or manager of a certificated or licensed aerodrome;
- (i) a person who performs a function connected with the installation, modification, maintenance, repair, overhaul, flight checking or inspection of air navigation facilities which are utilised by a person who provides an air traffic control service under an approval issued by the Governor;
- (j) a person who performs a function in respect of the ground-handling of aircraft, including fuelling, servicing, load sheet preparation, de-icing and towing.

(4) In this article ‘reportable occurrence’ means—

- (a) any incident relating to such an aircraft or any defect in or malfunctioning of such an aircraft or any part or equipment of such an aircraft, being an incident, malfunctioning or defect endangering, or which if not corrected would endanger, the aircraft, its occupants or any other person; and
- (b) any defect in or malfunctioning of any facility on the ground used or intended to be used for purposes of or in connection with the operation of such an aircraft, being a defect or malfunctioning endangering, or which if not corrected would endanger, such an aircraft or its occupants.

(5) Any accident or serious incident notified to the Governor in pursuance of regulations made under section 75 of the Civil Aviation Act 1982(1) shall not constitute a reportable occurrence for purposes of this article.

(6) Reports of occurrences shall be made within such time, by such means and containing such information as may be specified by the Governor and shall be presented in such form as the Governor may in any particular case approve.

(7) Nothing in this article shall require a person to report any occurrence which he has reason to believe has been or will be reported by another person to the Governor in accordance with this article.

(8) A person shall not make any report under this article if he knows or has reason to believe that the report is false in any particular.

(9) Without prejudice to article 56 and subject to article 120 and paragraph 10, the operator of an aircraft shall, if he has reason to believe that a report has been or will be made in pursuance of this article, preserve any data from a flight data recorder or a combined cockpit voice recorder/flight data recorder relevant to the reportable occurrence for 14 days from the date on which a report of that occurrence is made to the Governor or for such longer period as the Governor may in a particular case direct.

(10) The record referred to in paragraph 9 may be erased if the aircraft is outside the Territory and it is not reasonably practicable to preserve the record until the aircraft reaches the Territory.