
STATUTORY INSTRUMENTS

2007 No. 3468

The Air Navigation (Overseas Territories) Order 2007

PART I

REGISTRATION AND MARKING OF AIRCRAFT

Aircraft to be registered

- 3.—(1) An aircraft shall not fly in or over the Territory unless it is registered in—
- (a) some part of the Commonwealth;
 - (b) a Contracting State; or
 - (c) some other country in relation to which there is in force an agreement between Her Majesty's Government in the United Kingdom and the Government of that country which makes provision for the flight over the Territory of aircraft registered in that country.
- (2) Any aircraft may fly unregistered on any flight which—
- (a) begins and ends in the Territory without passing over any other country; and
 - (b) is in accordance with the conditions of a permit to fly issued by the Governor under the provisions of article 9.
- (3) Paragraph (1) does not apply to any kite or captive balloon.
- (4) If an aircraft flies over the Territory in contravention of paragraph (1) in such manner or circumstances that if the aircraft had been registered in the Territory an offence against this Order or any regulations made hereunder would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

Registration of aircraft in the Territory

- 4.—(1) The Governor is the authority for the registration of aircraft in the Territory and is responsible for maintaining the register and may record therein the particulars referred to in paragraph (7) in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.
- (2) Subject to the provisions of this article, an aircraft shall not be registered or continue to be registered in the Territory if it appears to the Governor that—
- (a) the aircraft is registered outside the Territory and that such registration does not cease by operation of law upon the aircraft being registered in the Territory;
 - (b) an unqualified person holds any legal or beneficial interest by way of ownership in the aircraft or any share therein;
 - (c) the aircraft could more suitably be registered in some other part of the Commonwealth; or
 - (d) it would be inexpedient in the public interest for the aircraft to be or to continue to be registered in the Territory.

(3) The following persons and no others are qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the Territory or a share therein—

- (a) the Crown in right of Her Majesty's Government in the United Kingdom or in right of the Government of the Territory;
- (b) Commonwealth citizens;
- (c) British protected persons;
- (d) bodies incorporated in some part of the Commonwealth and having their principal place of business in any part of the Commonwealth.

(4) If an unqualified person—

- (a) residing or having a place of business in the Territory holds a legal or beneficial interest by way of ownership in an aircraft, or a share therein, the Governor, upon being satisfied that the aircraft may otherwise be properly so registered, may register the aircraft in the Territory;
- (b) has registered an aircraft under this paragraph, he shall not cause or permit the aircraft, while it is so registered, to be used for the purpose of commercial air transport or aerial work.

(5) If an aircraft is chartered by demise to a qualified person the Governor may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest therein, register the aircraft in the Territory in the name of the charterer by demise upon being satisfied that the aircraft may otherwise be properly so registered, and subject to the provisions of this article the aircraft may remain so registered during the continuation of the charter.

(6) Application for the registration of an aircraft in the Territory shall be made in writing to the Governor, and shall –

- (a) include or be accompanied by such particulars and evidence relating to the aircraft and the ownership and chartering thereof as he may require to enable him to determine whether the aircraft may properly be registered in the Territory and to issue the certificate referred to in paragraph (8); and
- (b) include the proper description of the aircraft according to column 4 of the general classification of aircraft set forth in Schedule 2.

(7) Upon receiving an application for the registration of an aircraft in the Territory and being satisfied that the aircraft may properly be so registered the Governor shall register the aircraft, wherever it may be, and shall include in the register those particulars that he shall specify.

(8) The Governor shall furnish to the person in whose name the aircraft is registered (in this article referred to as 'the registered owner') a certificate of registration, which shall include the specified particulars and the date on which the certificate was issued.

(9) Subject to paragraphs (4) and (5), if at any time after an aircraft has been registered in the Territory an unqualified person becomes entitled to a legal or beneficial interest by way of ownership in the aircraft or a share therein, the registration of the aircraft shall thereupon become void and the certificate of registration shall immediately be returned by the registered owner to the Governor.

(10) Any person who is the registered owner of an aircraft registered in the Territory shall immediately inform the Governor in writing of—

- (a) any change in the particulars which were furnished to the Governor upon application being made 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 paragraph (5), the termination of the demise charter.

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

(12) The Governor may, whenever it appears to him necessary or appropriate to do so for giving effect to this Part or for bringing up to date or otherwise correcting the particulars entered on the register, amend the register or, if he thinks fit, cancel the registration of the aircraft, and he shall cancel that registration within 2 months of being satisfied that there has been a change in the ownership of the aircraft.

(13) The Governor may, by regulations, adapt or modify the foregoing provisions of this article as he deems necessary or expedient for the purpose of providing for the temporary transfer of aircraft to or from the Territory register, either generally or in relation to a particular case or class of cases.

(14) In this article references to an interest in an aircraft do not include references to an interest in an aircraft to which a person is entitled only by virtue of his membership of a flying club and the reference in paragraph (10) to the registered owner of an aircraft includes, in the case of a deceased person, his legal personal representative, and in the case of a body corporate which has been dissolved, its successor.

(15) Nothing in this article shall require the Governor to cancel the registration of an aircraft if in his opinion it would be inexpedient in the public interest to do so.

(16) The registration of an aircraft which is the subject of an un-discharged mortgage entered in the Register of Aircraft Mortgages kept in the Territory under legislation in force in the Territory relating to the mortgaging of aircraft, shall not become void by virtue of paragraph (9) of this Article, nor shall the Governor cancel the registration of such an aircraft under this Article unless all persons shown in the Register of Aircraft Mortgages as mortgagees of that aircraft have consented to the cancellation.

(17) The Governor shall, at such times and in such a manner as may from time to time be directed by the Civil Aviation Authority, transmit to the Civil Aviation Authority particulars of all registrations, and of changes in or cancellations of registrations, entered in the register.

Nationality and registration marks

5.—(1) An aircraft (other than an aircraft permitted by or under this Order to fly without being registered) shall not fly unless it bears painted on it or affixed to it, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

(2) The nationality mark to be borne by aircraft registered in the Territory shall consist of a group of two capital letters in Roman character and the registration mark shall consist of a group of three capital letters in Roman character and both the nationality mark and the registration mark shall comply with requirements published by the Governor under article 152.

(3) An aircraft shall not bear any marks that purport to indicate—

- (a) that the aircraft is registered in a country in which it is not in fact registered; or
- (b) that the aircraft is a State aircraft of a particular country if it is not in fact such an aircraft, unless the appropriate authority of that country has sanctioned the bearing of such marks.

(4) Marks approved by the Governor for the purposes of flight in accordance with a permit to fly shall be deemed not to purport to indicate that the aircraft is registered in a country in which it is not in fact registered.