
STATUTORY INSTRUMENTS

2007 No. 3468

The Air Navigation (Overseas Territories) Order 2007

PART XVI

FOREIGN AIRCRAFT OPERATIONS

Restriction with respect to carriage for valuable consideration in aircraft registered outside the Territory

135.—(1) An aircraft registered in a Contracting State, other than the United Kingdom or any of the Territories, or in a foreign country, shall not take on board or discharge any passengers or cargo in the Territory, where valuable consideration is given or promised in respect of the carriage of such persons or cargo unless it does so with the permission of the Secretary of State granted under this article to the operator or charterer of the aircraft or to the Government of the country in which the aircraft is registered, and in accordance with any conditions to which such permission may be subject.

(2) Without prejudice to the provisions of Article 123 or of paragraph (1), any breach by a person to whom a permission has been granted under this article of any condition to which that permission was subject shall constitute a contravention of this article.

(3) The Secretary of State may, in any particular case, or class of cases, delegate to the Governor the exercise of the powers conferred on the Secretary of State under paragraph (1); and where the exercise of the powers conferred under paragraph (1) is so delegated, the Governor shall, in exercising those powers, comply with any general guidelines or specific directions which may from time to time be conveyed to him by the Secretary of State.

Filing and approval of tariffs

136.—(1) Where a permission granted under article 135 contains a tariff provision, the Secretary of State may, in any particular case or class of cases, delegate to the Governor the exercise of the power to approve or disapprove the tariff which the operator or charterer of the aircraft concerned proposes to apply on flights to which the permission relates, and where the power to approve or disapprove tariffs is so delegated, the Governor shall, in exercising that power, comply with any general guidelines or specific directions which may from time to time be conveyed to him by the Secretary of State.

(2) For the purposes of this article, ‘tariff provision’ means a condition as to any of the following matters—

- (a) the price to be charged for the carriage of passengers, baggage or cargo on flights to which a permission granted under article 135(1) relates;
- (b) any additional goods, services or other benefits to be provided in connection with such carriage;
- (c) the prices, if any, to be charged for any such additional goods, services or benefits; and

- (d) the commission, or rates of commission, to be paid in relation to the carriage of passengers, baggage or cargo;

and includes any condition as to the applicability of any such price, the provision of any such goods, services or benefits or the payment of any such commission or of commission at any such rate.

Restriction on aerial photography, aerial survey and aerial work in aircraft registered outside the Territory

137.—(1) An aircraft registered in a Contracting State other than the United Kingdom or any of the Territories, or in a foreign country, shall not fly over the Territory for the purpose of aerial photography or aerial survey (whether or not valuable consideration is given or promised in respect of the flight or the purpose of the flight) or for the purpose of any other form of aerial work except with the permission of the Governor granted under this article to the operator or the charterer of the aircraft and in accordance with any conditions to which such permission may be subject.

(2) Without prejudice to article 123 or the provisions of paragraph (1), any breach by a person to whom a permission has been granted under this article of any condition to which that permission was subject constitutes a contravention of this article.