

EXPLANATORY MEMORANDUM TO
THE AIR NAVIGATION (OVERSEAS TERRITORIES) ORDER 2007

2007 No. 3468

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

2. **Description**

This Instrument further amends and consolidates the Air Navigation (Overseas Territories) Order 2001 (SI 2001 No. 2128) (“the 2001 Order”) in order to give legal effect in the United Kingdom Overseas Territories to certain International Civil Aviation Organisation (ICAO) standards and recommendations and international best practice. The 2001 Order has already been amended on four previous occasions and this instrument therefore consolidates those previous Orders and incorporates further amendments. This instrument will therefore repeal the previous Orders. The opportunity has also been taken to reorganise the Order to modernise the drafting in line with Statutory Instrument Practice Circular No 4 (06).

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None.

4. **Legislative background**

This instrument is the latest of a series of amending Orders designed to keep the 2001 Order up to date by implementing the latest standards and recommendations of ICAO as well as international best practice. A number of significant changes have been made to the Annexes to the Convention on International Civil Aviation done at Chicago on 7 December 1944 (“the Chicago Convention”) and this consolidated Order is designed to accommodate those changes without any further amendment orders being necessary.

5. **Territorial Extent and Application**

This instrument applies to all of the United Kingdom Overseas Territories with the exception of British Antarctic Territory and Gibraltar.

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

The policy objective is to implement in the Overseas Territories the United Kingdom's obligations under the Chicago Convention on International Civil Aviation as elaborated by the standards and recommended practices of ICAO with respect to aviation safety.

8. Impact

A full Regulatory Impact Assessment has not been produced as any impact on business in the Overseas Territories stems from existing requirements for the implementation of internationally agreed air safety standards, to which the United Kingdom is already committed as a member of the International Civil Aviation Organisation. The impact of this Order will only be in the Overseas Territories. Governors of Territories, Directors of Civil Aviation, airport operators and the aviation industry in the Territories have been consulted and are content with the proposals. It is in fact considered that there will be minimal impact on the private or voluntary sector as a result of the proposals.

9. Contact

John Grainger, at the Foreign and Commonwealth Office Legal Advisers, Tel: 020 7008 6189 or e-mail: John.Grainger@fco.gov.uk .

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