

SCHEDULE 10

THE AIR NAVIGATION (DANGEROUS GOODS) REGULATIONS

PART VIII

Documents and Records, Enforcement Powers and General

Keeping of documents and records

14.—(1) The operator of an aircraft carrying dangerous goods as cargo shall ensure that a copy of the dangerous goods transport document required by regulation 5(2) and the written information to the pilot-in-command required by regulation 4(2)(a) are retained at a readily accessible location until after the full period of the flight on which the goods were carried.

(2) The operator of an aircraft in which dangerous goods are carried shall preserve for not less than three months—

- (a) any dangerous goods transport document or other document in respect of dangerous goods which has been furnished to him by the shipper in accordance with regulation 5(2);
- (b) the record of any acceptance check list completed in accordance with regulation 5(3); and
- (c) the written information to the pilot-in-command as required by regulation 4(2)(a).

(3) The record referred to in paragraph (2)(b) may be in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.

Production of documents and records

15.—(1) The operator of an aircraft on which dangerous goods are to be or have been carried and any agent thereof shall, within a reasonable time after being requested so to do by an authorised person, cause to be produced to that person such of the following documents as may have been requested by that person—

- (a) the written approval referred to in regulation 2(1);
- (b) the dangerous goods transport document or other document in respect of any dangerous goods, referred to in regulation 5(2);
- (c) the completed acceptance check list in a legible form in respect of any dangerous goods, referred to in regulation 5(3); and
- (d) a copy of the written information provided to the pilot-in-command of the aircraft in respect of any dangerous goods, referred to in regulation 4(2)(a).

(2) The aircraft operator, shipper and any agent of either of them shall, within a reasonable time after being requested so to do by an authorised person, cause to be produced to that person any document which relates to goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of these Regulations have not been complied with.

Powers in relation to enforcement of the Regulations

16.—(1) An authorised person may examine, take samples of and seize any goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of these Regulations have not been complied with.

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(2) An authorised person may open or require to be opened any baggage or package which the authorised person has reasonable grounds to suspect may contain dangerous goods in respect of which the provisions of these Regulations have not been complied with.

(a) (3) (a) Subject to paragraph (5), any sample taken or goods seized by an authorised person under this regulation shall be retained or detained respectively for so long as the Governor considers necessary in all the circumstances and shall be disposed of in such manner as the Governor considers appropriate in all the circumstances.

(b) Without prejudice to the generality of sub-paragraph (a) any sample taken or goods seized under this regulation may be retained or detained respectively—

(i) for use as evidence at a trial for an offence; or

(ii) for forensic examination or for investigation in connection with an offence.

(a) (4) (a) The person from whom any goods have been seized by an authorised person under this regulation may apply to the Governor for the item to be released to him.

(b) An application under this paragraph shall be made in writing and shall be accompanied by evidence of ownership by the applicant.

(c) Where the Governor is satisfied that the applicant is the owner of the item concerned and that further retention of the item is not necessary for the purposes of any criminal proceedings he shall arrange for the goods concerned to be returned to the applicant.

(5) Where further retention of goods is, in the opinion of the Governor, no longer necessary and no application has been made under paragraph (4) or any such application has been unsuccessful the goods shall be destroyed or otherwise disposed of in accordance with the directions of the Governor.

Occurrence reporting

17.—(1) A Territory operator shall ensure that any dangerous goods accident, dangerous goods incident or the finding of undeclared or misdeclared dangerous goods in cargo or passenger's baggage, wherever it occurs, is reported to the Governor.

(2) A non-Territory operator shall ensure that any dangerous goods accident, dangerous goods incident or the finding of undeclared or misdeclared dangerous goods in cargo or passenger's baggage which occurred in the Territory is reported to the Governor.

(3) A report required under paragraph (1) or (2) shall contain such of the following information as is appropriate to the occurrence—

(a) date of the occurrence;

(b) location of the occurrence, flight number and flight date;

(c) description of the goods and the reference number of the air waybill, pouch, baggage tag and ticket;

(d) proper shipping name (including the technical name, if applicable);

(e) UN/ID number;

(f) class or division in accordance with the Technical Instructions and any subsidiary risk(s);

(g) type of packaging and the packaging specification marking;

(h) quantity of dangerous goods;

(i) name and address of the shipper or passenger;

(j) suspected cause of the occurrence;

(k) action taken;

(l) any other reporting action taken;

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- (m) name, title, address and contact number of the reporter;
- (n) any other relevant details.
- (a) (4) (a) Subject to sub-paragraph (b) a report containing as much of the information referred to above as is in his possession shall be despatched in writing, or in such other form as the Governor may approve, and by the quickest available means to the Governor within 72 hours of the occurrence coming to the knowledge of the person making the report.
- (b) If at that time any of the said information is not in the possession of that person, he shall despatch the information to the Governor in writing, or in such other form as the Governor may approve, and by the quickest available means within 72 hours of the information coming into his possession.

(5) Nothing in this regulation shall require a person to report any occurrence which he has reported under article 139 or which he has reason to believe has been or will be reported by another person to the Governor in accordance with that article.

Dropping articles for agricultural, horticultural, forestry or pollution control purposes

18. Subject to the provisions of regulation 4(1)(a) nothing in these Regulations shall apply to any aircraft flying solely for the purpose of dropping articles for the purpose of agriculture, horticulture, forestry or pollution control.

Police aircraft

19. Nothing in these Regulations other than regulation 2(1)(a) shall apply to the carriage of dangerous goods by an aircraft flying under and in accordance with the terms of a police air operator's certificate.