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STATUTORY INSTRUMENTS

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**2008 No. 3133**

**The Air Navigation (Environmental Standards  
For Non-Part 21 Aircraft) Order 2008**

**PART 5**

Offences, Penalties and General

**Prohibitions in relation to noise certificates and emissions certification**

**23.**—(1) A person must not with intent to deceive—

- (a) use any noise certificate issued under Part 2 which has been revoked or suspended, or to which he is not entitled;
- (b) lend any such certificate to, or cause or permit it to be used by, any other person; or
- (c) make any false representation for the purpose of procuring for himself or any other person the issue, renewal or variation of any such certificate or of emissions certification issued in accordance with article 17.

(2) A person must not purport to issue any noise certificate or emissions certification under this Order unless he has been authorised to do so by the CAA.

**Power to prevent aircraft flying**

**24.**—(1) If it appears to the CAA or to an authorised person that any aircraft is intended or likely to be flown in such circumstances that article 4(1), 6(2), 7(2), 14(2), 15(2) or 16(3) would be contravened, the CAA or that authorised person may direct the operator or the commander of the aircraft or both of them that he or they must not permit the aircraft to make the flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the CAA or by an authorised person.

(2) If the aircraft is in the United Kingdom, the CAA or that authorised person may take such steps as are necessary to detain the aircraft.

(3) The operator and the commander of an aircraft must comply with any direction given to him or them pursuant to paragraph (1), unless he has or they have reasonable excuse.

(4) For the purposes of paragraph (1), the CAA or any authorised person may enter upon and inspect any aircraft.

**Right of access to aerodromes and other places**

**25.**—(1) Subject to paragraph (2), for the purpose of ascertaining whether the provisions of this Order are being complied with, the CAA and any authorised person has the right of access at all reasonable times to any aerodrome or any other place in the United Kingdom where an aircraft has landed for the purpose of inspecting that aircraft or inspecting any noise certificate which it, or he, has power to demand under article 21, and for the purpose of detaining that aircraft under article 24(2).

(2) In relation to any Government aerodrome the CAA or the authorised person (as the case may be) must obtain the permission of the person in charge of that aerodrome before exercising the right of access to it referred to in paragraph (1).

### **Obstruction of persons**

**26.** A person must not intentionally obstruct or impede any person acting in the exercise of his powers or the performance of his duties under this Order.

### **Offences and penalties**

**27.**—(1) If any provision of this Order is contravened in relation to an aircraft, the operator and the commander of that aircraft is (without prejudice to the liability of any other person under this Order for that contravention) deemed for the purposes of the following provisions of this article to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order was due to any cause not avoidable by the exercise of reasonable care by that person, the act or omission is deemed not to be a contravention by that person of that provision.

(3) If any person contravenes any provisions of this Order, not being a provision referred to in paragraph (4), he is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) If any person contravenes article 4(1), 6(2), 7(2), 14(2), 15(2), 16(3), 23, 24(3) or 26 he is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Liability of persons other than principal offender**

**28.**—(1) Where a body corporate is guilty of an offence under this Order, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

he, as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where an offence under this Order is committed in Scotland by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

### **Application of the Order to the Crown and visiting forces**

**29.**—(1) Subject to paragraphs (2), (3) and (4), the provisions of this Order apply to, or in relation to, aircraft belonging to or exclusively employed in the service of Her Majesty, as they apply to or in relation to other aircraft.

(2) For the purposes of such application the Department or other authority for the time being responsible on behalf of Her Majesty for the management of the aircraft is deemed to be the operator of the aircraft.

(3) Nothing in this article renders such Department or other authority liable to any penalty.

(4) The naval, military and air force authorities and members of any visiting force and any international headquarters and the members thereof and property held or used for the purpose of such a force or headquarters are exempt from the provisions of this Order to the same extent as if that force or headquarters formed part of the forces of Her Majesty raised in the United Kingdom and for the time being serving there.

(5) Nothing in this Order applies to or in relation to any military aircraft.

### Extra-territorial effect of the Order

**30.**—(1) The provisions of this Order—

- (a) in so far as they apply to aircraft registered in the United Kingdom, apply to such aircraft wherever they may be;
- (b) in so far as they apply to other aircraft apply to such aircraft when they are within the United Kingdom;
- (c) in so far as they prohibit, require or regulate the doing of anything by the commander of any aircraft registered in the United Kingdom, apply to him wherever he may be; and
- (d) in so far as they prohibit, require or regulate the doing of anything in relation to any aircraft registered in the United Kingdom by other persons, where such persons are Commonwealth citizens, British protected persons or citizens of the Republic of Ireland, apply to them wherever they may be.

(2) Nothing in this article is to be construed as extending to make any person guilty of an offence in any case in which it is provided by section 3(1) of the British Nationality Act 1948 <sup>M1</sup> that that person is not to be guilty of an offence.

#### Marginal Citations

- M1** 1948 c.56. Section 3(1) limits the criminal liability of certain persons who are not citizens of the United Kingdom and colonies.

### Acceptance of reports

**31.** The CAA may, for the purposes of this Order, accept reports furnished to it by a person whom it may approve, either absolutely or subject to such conditions as it thinks fit, as qualified to furnish such reports.

**Changes to legislation:**

There are currently no known outstanding effects for the The Air Navigation (Environmental Standards For Non-Part 21 Aircraft) Order 2008, PART 5.