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STATUTORY INSTRUMENTS

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**2013 No. 2870**

**The Air Navigation (Overseas Territories) Order 2013**

**PART 8**

**HEIGHT KEEPING AND NAVIGATION**

**Area navigation and required navigation performance capabilities – aircraft registered in the Territory**

**89.**—(1) An aircraft registered in the Territory must not fly in areas with specified performance based navigation unless—

- (a) it is equipped with navigation equipment that complies with such requirements published, and instructions given, by the Governor under articles 5 and 74 of this Order;
- (b) the operator has been approved by the Governor; and
- (c) while the aircraft is flying in such airspace, on such routes or in accordance with such procedures, it is operated in accordance with operating procedures approved by the Governor.

(2) An aircraft need not comply with the requirements of paragraph (1) if—

- (a) the flight has been authorised by the appropriate air traffic control unit;
- (b) the air traffic control unit is made aware of the lack of compliance of the aircraft with such requirements; and
- (c) the aircraft complies with any instructions the air traffic control unit may give in the particular case.

(3) For the purposes of this article and article 90, “areas with specified performance based navigation” means airspace, routes or procedures which have been notified, prescribed or otherwise designated by the competent authority for the airspace as requiring specified navigation performance capabilities to be met by aircraft flying there.

**Area navigation and required navigation performance capabilities – aircraft not registered in the Territory**

**90.**—(1) An aircraft registered elsewhere than in the Territory must not fly in areas with specified performance based navigation in the Territory unless—

- (a) it is equipped with navigation equipment so as to comply with the law of the country in which the aircraft is registered insofar as that law requires it to be so equipped when flying in areas with specified performance based navigation; and
- (b) the said equipment is capable of being operated so as to enable the aircraft to meet the required performance in terms of navigation functionality, accuracy, integrity, availability and continuity, and it is so operated.

(2) An aircraft need not comply with the requirements of paragraph (1) where the flight has been authorised by the appropriate air traffic control unit notwithstanding the lack of compliance

and provided that the aircraft complies with any instructions the air traffic control unit may give in the particular case.

### **Minimum navigation performance**

**91.**—(1) An aircraft registered in the Territory must not fly in minimum navigation performance specifications airspace unless—

- (a) it is equipped with navigation equipment that complies with such requirements as are published and instructions given by the Governor under articles 5 and 74 of this Order;
- (b) the operator has been approved by the Governor; and
- (c) while the aircraft is flying in the said airspace, it is operated in accordance with operating procedures approved by the Governor.

(2) For the purposes of this article “minimum navigation performance specifications airspace” means airspace which has been notified, prescribed or otherwise designated as such by the competent authority for the airspace.

### **Height keeping performance - aircraft registered in the Territory**

**92.**—(1) An aircraft registered in the Territory must not fly in reduced vertical separation minimum airspace unless—

- (a) the aircraft has been approved by the Governor for operations in such airspace;
- (b) the operator has been approved by the Governor; and
- (c) while the aircraft is flying in the airspace, it is operated in accordance with operating procedures approved by the Governor.

(2) An aircraft need not comply with the requirements of paragraph (1) where the flight has been authorised by the appropriate air traffic control unit notwithstanding the lack of compliance and provided that the aircraft complies with any instructions the air traffic control unit may give in the particular case.

(3) For the purposes of this article and article 93, “reduced vertical separation minimum airspace” means airspace which has been notified, prescribed or otherwise designated as such by the competent authority for the airspace and where a reduced vertical separation minimum of 1000 feet (300 m) applies above flight level 290.

### **Height keeping performance - aircraft not registered in the Territory**

**93.**—(1) An aircraft registered elsewhere than in the Territory must not fly in notified reduced vertical separation minimum airspace in the Territory unless—

- (a) it is equipped with height keeping systems so as to comply with the law of the country in which the aircraft is registered insofar as that law requires it to be so equipped when flying in any specified areas; and
- (b) the said equipment is capable of being operated so as to enable the aircraft to maintain the height keeping performance prescribed in respect of the airspace in which the aircraft is flying, and it is so operated.

(2) An aircraft need not comply with the requirements of paragraph (1) where the flight has been authorised by the appropriate air traffic control unit notwithstanding the lack of compliance and provided that the aircraft complies with any instructions the air traffic control unit may give in the particular case.