

**EXPLANATORY MEMORANDUM TO
THE AIR NAVIGATION (OVERSEAS TERRITORIES) (ENVIRONMENTAL
STANDARDS) ORDER 2014**

2014 No. 2926

1. Introduction

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

2. Purpose of the instrument

2.1 This Order replaces the Air Navigation (Overseas Territories) (Environmental Standards) Order 2004 ("the AN(OT)(ES)O 2004") (S.I. No. 3337). It updates the provisions in that Order, including in particular the references to the current issue of Annex 16 to the International Convention on Civil Aviation (the Chicago Convention) which deals with noise and emissions standards for aircraft and it aligns this Order more closely with the provisions of the Air Navigation (Overseas Territories) Order 2013.

3. Matters of special interest to the Joint Committee on Statutory Instruments and the Secondary Legislation Scrutiny Committee

3.1 None.

4. Legislative Context

4.1 The provisions of this Order align more closely with the concept of the Overseas Territories Aviation Requirements (OTARs) which are published by the Governor of a Territory under authority of the Air Navigation (Overseas Territories) Order. The OTARs contain more detailed requirements for the grant of noise certificates and had not been developed at the time that the AN(OT)(ES)O 2004 was enacted.

4.2 The opportunity has been taken to simplify this Order by removing provisions that are not applicable to the aviation industry in the Overseas Territories which have no aircraft manufacturing capability and which rely instead on the aircraft certification standards of the major aviation authorities of Europe, the USA or Canada.

5. Territorial Extent and Application

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

6. European Convention on Human Rights

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

7. Policy background

7.1 Article 7 of the Air Navigation (Overseas Territories) Order 2013 (AN(OT)O) places responsibility on the Governor of a Territory to make arrangements and publish requirements for implementing the Chicago Convention and the Annexes to it. Annex 16 of that Convention sets out standards and limits for noise and emissions made by aircraft. This Order enables the Governor to comply with that requirements of the AN(OT)O and to apply the latest standards of Annex 16 to the Overseas Territories.

7.2 This Order requires the Governor to issue a noise certificate in compliance with Annex 16 or to validate such a certificate issued by another state. It therefore gives some flexibility for operators of aircraft registered in a Territory in the means of compliance with the standards of Annex 16.

8. Consultation outcome

8.1 Consultation on the aviation security amendment was carried out via its website by Air Safety Support International Limited (ASSI), a wholly-owned subsidiary of the Civil Aviation Authority, which has responsibility under directions from the Secretary of State for the oversight of aviation safety in the Overseas Territories apart from in Gibraltar. The consultation lasted for 12 weeks from 27 June 2014. There were no objections to the proposal.

9. Guidance

9.1 More detailed guidance relating to all of the amendments contained within this instrument will be provided by ASSI in its role as regulator.

10. Impact

10.1 The impact on businesses, charities and voluntary bodies is negligible, as aircraft manufacturers and companies modifying aircraft used in the Territories will already be applying the current, internationally-adopted standards of Annex 16. However, it will provide additional flexibility in the means of demonstrating that they meet those standards.

10.2 The amendments have no significant impact on the public sector other than allowing the aviation regulator in the Territories to work to the latest standards.

11. Regulating small business

11.1 The legislation applies to small business. However the standards of Annex 16 do not apply to smaller and lighter aircraft.

12. Monitoring & review

12.1 ASSI will monitor the Overseas Territories' aviation industry to ensure compliance with the standards which are set out in more detail in the Overseas Territories Aviation Requirements.

12.2 The AN(OT)(ES)O is regularly reviewed and updated by ASSI and amendments proposed as necessary.

13. Contact

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