
STATUTORY INSTRUMENTS

2024 No. 378

**The Air Navigation (Overseas Territories)
(Environmental Standards) Order 2024**

PART 1

Preliminary

Citation, commencement and extent

1.—(1) This Order may be cited as the Air Navigation (Overseas Territories) (Environmental Standards) Order 2024 and comes into force on 10th April 2024.

(2) This Order extends to the territories listed in the Schedule.

Revocations

2. The following orders are revoked—

- (a) the Air Navigation (Overseas Territories) (Environmental Standards) Order 2014(1);
- (b) the Air Navigation (Overseas Territories) (Environmental Standards) (Amendment) Order 2015(2).

Interpretation

3.—(1) In this Order—

“the 2013 Order” means the Air Navigation (Overseas Territories) Order 2013(3);

“applicable emissions standards” means, in relation to an aircraft, the aircraft engine emissions standards specified in Parts 2 and 3 of Volume 2 of Annex 16 applicable to that aircraft and the applicable aeroplane CO₂ emissions standards specified in Part 2 of Volume 3 of Annex 16 applicable to that aircraft;

“applicable noise standards” means, in relation to an aircraft, the noise standards specified in chapters 2 to 6, 8 and 10 to 14 of Part 2 of Volume 1 of Annex 16 applicable to that aircraft;

“authorised person” means any person designated by the Governor under article 18;

“certificate of airworthiness” means a certificate issued under article 25(1) of the 2013 Order;

“competent authority” means, in relation to a Contracting State, the authority responsible under the law of that State for promoting the safety of civil aviation;

“Chicago Convention” means the Convention on International Civil Aviation signed in Chicago on 7th December 1944 and its Annexes(4);

(1) [S.I. 2014/2926](#), amended by [S.I. 2015/236](#).

(2) [S.I. 2015/236](#).

(3) [S.I. 2013/2870](#). There are amendments to the Order but none is relevant.

(4) Treaty Series No. 8 (1953); Cmd 8742. An electronic copy of this Convention can be found at: http://www.icao.int/publications/Documents/7300_cons.pdf. A hard copy is available for inspection by appointment only under Catalogue

“Contracting State” means any State, including the United Kingdom, which is a party to the Chicago Convention;

“emissions regulated aircraft” means an aircraft in respect of which there are applicable emissions standards;

“flight manual” means a document provided for an aircraft stating the limitations within which the aircraft is considered airworthy as defined by the appropriate airworthiness requirements, and additional instructions and information necessary for the safe operation of the aircraft;

“Governor” means the person for the time being administering the Government of the Territory;

“military aerodrome” means any aerodrome in the Territory that is under the control of His Majesty’s naval, military or air forces, or of any visiting force;

“military aircraft” means—

- (a) the naval, military or air force aircraft of any country;
- (b) any aircraft being constructed for the naval, military or air force of any country under a contract entered into by the Secretary of State; and
- (c) any aircraft in respect of which there is in force a certificate issued by the Secretary of State that the aircraft is to be treated for the purposes of this Order as a military aircraft;

“noise certificate” means, in relation to aircraft registered in the Territory, a certificate issued under article 6(1), and in relation to aircraft registered outside of the Territory, a certificate issued or validated by the competent State of Registry;

“noise regulated aircraft” means an aircraft in respect of which there are applicable noise standards;

“operator” means, in relation to an aircraft, the person who at the relevant time has the management of that aircraft;

“pilot-in-command” means, in relation to an aircraft, the pilot designated by the operator as being in command and charged with the safe conduct of a flight, or, if no such designation has been made, the person who for the time being is in charge of piloting that aircraft without being under the direction of any other pilot in that aircraft;

“prescribed” means prescribed by regulations made under article 28;

“State of Registry” means the Contracting State in which an aircraft is registered;

“Volume 1 of Annex 16” means the eighth edition of Volume 1 of Annex 16 to the Chicago Convention, entitled “Aircraft Noise” and published in July 2017(5);

“Volume 2 of Annex 16” means the fifth edition of Volume 2 of Annex 16 to the Chicago Convention, entitled “Aircraft Engine Emissions” and published in July 2023(6);

Reference: HL/PO/JO/10/11/273/631 at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW and/or alternatively also by appointment only under Reference: BT 245/1862 at the National Archives, Kew, Richmond, TW9 4DU.

- (5) A copy of this can be accessed and viewed for free online at the International Civil Aviation Organization’s electronic library: <https://elibrary.icao.int/reader/289652/&returnUrl%3DaHR0cHM6Ly9lbGlicmFyeS5pY2FvLmludC9leHBsb3JlO21haW5tZWYy2g9MQ%3D%3D?productType=eBook>. A hardcopy document is available for inspection by appointment only at the offices of the Civil Aviation Authority (“CAA”) Legal Department at either Aviation House, Beehive Ring Road, Crawley, West Sussex, RH6 0YR or at Westferry Circus, Canary Wharf, London, E14 4HD. Contact the CAA Legal Department in writing at either address or email OGCMailbox@caa.co.uk to make an arrangement to view.
- (6) A copy of this can be accessed and viewed for free online at the International Civil Aviation Organization’s electronic library: <https://elibrary.icao.int/reader/329839/&returnUrl%3DaHR0cHM6Ly9lbGlicmFyeS5pY2FvLmludC9leHBsb3JlO21haW5tZWYy2g9MQ%3D%3D?productType=eBook>. A hardcopy document is available for inspection by appointment only at the offices of the Civil Aviation Authority (“CAA”) Legal Department. For details see footnote (a) above.

“Volume 3 of Annex 16” means the first edition of Volume 3 of Annex 16 to the Chicago Convention, entitled “Aeroplane CO₂ Emissions” and published in July 2017(7).

(2) For the purposes of this Order, an aircraft is deemed to be in flight from the moment when it first moves under its own power for the purpose of taking off until it next comes to rest after landing, and “flight”, “fly” and cognate expressions are to be construed accordingly.

(3) In the application of this Order to any territory listed in the Schedule, the expression “the Territory” means that territory.

PART 2

Noise Certification

Requirement for noise certificate for aircraft registered in the Territory

4. A noise regulated aircraft registered in the Territory must not fly unless it has a valid noise certificate.

Requirement for noise certificate for aircraft registered elsewhere than in the Territory

5.—(1) A noise regulated aircraft registered outside of the Territory must not fly in the Territory unless it has a valid noise certificate.

(2) For the purposes of paragraph (1), a valid noise certificate is a noise certificate issued or validated by the competent authority of the State of Registry under requirements at least as stringent as the applicable noise standards.

Issue of noise certificate by the Governor

6.—(1) Subject to payment of any prescribed fee, the Governor must issue a noise certificate in respect of a noise regulated aircraft registered in the Territory if the Governor is satisfied that the aircraft complies with the applicable noise standards.

(2) For the purposes of paragraph (1), an applicant for a noise certificate must furnish such evidence, and submit the aircraft to such inspections, flying trials and other tests of the aircraft, as the Governor may require.

(3) A noise certificate issued under paragraph (1) must—

- (a) certify compliance with the applicable noise standards in the form required in Attachment G of Volume 1 of Annex 16;
- (b) specify the date on which the certificate takes effect;
- (c) impose a condition that specifies the maximum certificated take-off mass at which the aircraft may take off.

(4) The Governor may issue a noise certificate under paragraph (1) subject to such conditions as the Governor thinks fit.

(5) In paragraph (3)(c), “maximum certificated take-off mass” means, in relation to an aircraft, the maximum total mass of the aircraft and its contents at which the aircraft may take off anywhere in the

(7) A copy of this can be accessed and viewed for free online at the International Civil Aviation Organization’s electronic library: <https://elibrary.icao.int/reader/265193/&returnUrl/%3DaHR0cHM6Ly9lbGlicmFyeS5pY2FvLmludC9leHBsb3JlO21haW5TZWYy2g9MQ%3D%3D?productType=eBook>. A hardcopy document is available for inspection by appointment only at the offices of the Civil Aviation Authority (“CAA”) Legal Department. For details see footnote (a) above.

world, in the most favourable circumstances and in accordance with the certificate of airworthiness in force in respect of that aircraft.

Validity of noise certificate

7.—(1) Subject to paragraph (2), any noise certificate issued by the Governor under article 6(1) remains valid indefinitely.

(2) A noise certificate immediately ceases to be valid where—

- (a) the certificate is suspended under article 12(1) or (2);
- (b) the certificate is revoked under article 12(2);
- (c) the aircraft, or any part of it, is modified in a way that affects its ability to comply with the applicable noise standards;
- (d) there is a breach of any condition imposed under article 6.

(3) Where a noise certificate has ceased to be valid under paragraph (2)(a), it becomes valid again at such time as the Governor lifts the suspension under article 12(6).

(4) Where a noise certificate ceases to be valid under paragraph (2)(c), the operator must apply for a new certificate in accordance with article 6.

(5) Where a noise certificate has ceased to be valid under paragraph (2)(d), it becomes valid again as soon as the relevant condition is again complied with.

(6) Subject to paragraph (2), where a noise certificate becomes valid again as mentioned in paragraph (3) or (5), that certificate remains valid indefinitely.

Noise certificate to be carried

8.—(1) Subject to paragraph (2), a noise regulated aircraft registered in the Territory must carry a valid noise certificate when in flight.

(2) Where a flight by an aircraft referred to in paragraph (1) is intended to begin and end at the same aerodrome in the Territory, the noise certificate may be kept at that aerodrome during the flight instead of being carried in the aircraft.

(3) A noise regulated aircraft registered outside of the Territory must carry a valid noise certificate when it is flown within the Territory or when it is landing or taking off within the Territory.

Production of noise certificate

9. Within a reasonable time of being requested to do so by the Governor or an authorised person, the pilot-in-command or the operator of an aircraft must cause to be produced to the Governor or the authorised person any noise certificate in respect of that aircraft.

Information to be included in flight manual

10. A noise regulated aircraft registered in the Territory must not fly unless the flight manual in respect of that aircraft includes the information required by Part 2 of Volume 1 of Annex 16 to be included in the manual.

Exemptions in respect of Part 2

11.—(1) The Governor may, subject to payment of any prescribed fee, exempt any noise regulated aircraft or class of noise regulated aircraft from any of the requirements in articles 4 and 8(1).

(2) An exemption under this article must be issued in writing in a form specified by the Governor and may be subject to such conditions as the Governor thinks fit.

Revocation, suspension and variation of noise certificate or exemption

12.—(1) Where the Governor has reasonable grounds to believe that an aircraft is not complying with the applicable noise standards or any conditions under which the noise certificate or exemption was issued, the Governor may, by serving written notice on the owner or operator of the aircraft, provisionally suspend any noise certificate issued under article 6(1) or any exemption issued under article 11(1), pending inquiry into or consideration of the case.

(2) Where the Governor is satisfied that there are sufficient grounds to do so after due inquiry into or consideration of the case, the Governor may, by serving written notice on the owner or operator of the aircraft—

(a) suspend or revoke any such noise certificate or exemption, or

(b) vary the conditions subject to which any such noise certificate or exemption was issued.

(3) Where the noise certificate or exemption is provisionally suspended, suspended or revoked, that suspension or revocation takes effect when the Governor serves written notice on the owner or operator of the aircraft.

(4) Where a noise certificate or exemption is provisionally suspended under paragraph (1), suspended, revoked, or varied under (2), the holder of the certificate or exemption, or any person having possession or custody of the certificate or exemption, must surrender it to the Governor within a reasonable time after being required to do so.

(5) The written notice in paragraphs (1) and (2) must state—

(a) the date of the notice;

(b) the grounds for suspension or revocation of the certificate or exemption;

(c) the duration of the suspension;

(d) the conditions under which the suspension may be lifted.

(6) The Governor may at any time lift the suspension of a noise certificate or exemption that has been suspended provisionally or otherwise.

PART 3

Emissions Certification

Emissions certification for aircraft registered in the Territory

13. An emissions regulated aircraft registered in the Territory must not fly unless it has been certified as complying with the applicable emissions standards by the Governor in accordance with article 16.

Emissions certification for aircraft registered elsewhere than in the Territory

14. An emissions regulated aircraft registered outside of the Territory must not fly unless it has been certified by the competent authority of the State of Registry under requirements not less stringent than the applicable emissions standards.

Recognition of emissions certification issued by another competent authority

15. The Governor must recognise emissions certification by another competent authority if the Governor is satisfied as to the matter stated in Part 3, Chapter 1, Paragraph 1.4 of Volume 2 of Annex 16.

Emissions certification by the Governor

16. Where, as part of an application for a Type Acceptance Certificate under article 23(2) of the 2013 Order, satisfactory evidence is provided to the Governor that an emissions regulated aircraft registered or to be registered in the Territory complies with the applicable aircraft emissions standards, the Governor must endorse any Type Acceptance Certificate issued to that effect.

Exemptions in respect of Part 3

17.—(1) The Governor may, subject to payment of any prescribed fee, exempt any emissions regulated aircraft or class of emissions regulated aircraft from the requirements of article 13.

(2) An exemption issued under this article must be issued in writing in a form specified by the Governor and may be subject to such conditions as the Governor thinks fit.

PART 4

Offences, Penalties, Powers and General

Designation by the Governor

18.—(1) Subject to paragraph (4), the Governor may designate a person to carry out any of the functions of the Governor under this Order that are specified in the designation, subject to such conditions as the Governor thinks fit.

(2) The Governor may revoke or vary a designation made under paragraph (1).

(3) Before making a designation under paragraph (1) or revoking or varying a designation under paragraph (2), the Governor must consult, and take into account any advice given by, ASSI.

(4) The Governor may not designate a person to carry out the functions of the Governor under this article or under article 28.

(5) In this article, “ASSI” means Air Safety Support International Limited, a company registered in the United Kingdom under company number 4104063, which is a wholly owned subsidiary company of the Civil Aviation Authority constituted in accordance with the Civil Aviation Authority (Overseas Territories) Directions 2014⁽⁸⁾.

Power to prevent aircraft flying

19.—(1) If it appears to the Governor or an authorised person that an aircraft is intended or is likely to be flown in circumstances that would contravene article 4, 5, 13 or 14, the Governor or that authorised person may direct the operator or the pilot-in-command, or both, of the aircraft not to 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 Governor or by an authorised person.

(2) If the aircraft is in the Territory, the Governor or an authorised person may take such steps as are necessary to detain an aircraft.

(3) The operator and the pilot-in-command of the aircraft must comply with any direction given pursuant to paragraph (1) unless they have reasonable excuse.

(4) For the purposes of paragraphs (1) and (2), the Governor and any authorised person may—

(8) These directions were given by the Secretary of State to the Civil Aviation Authority under section 6(2)(b), (c) and (d) of the Civil Aviation Act 1982 on 14th March 2014 and amended by the Civil Aviation Authority (Overseas Territories) (Variation) Directions 2015. A copy of the directions can be found at: <http://www.airsafety.aero/About-ASSI/Directions-Establishing-ASSI.aspx>. A hardcopy document is available for inspection by appointment only at the offices of Air Safety Support International Limited at Floor 2, The Portland Building, 25 High Street, Crawley, West Sussex, RH10 1BG.

- (a) enter upon and inspect any aircraft; and
 - (b) require the production of any noise certificates for the aircraft, or evidence of emissions certification by the competent authority of the State of Registry.
- (5) A direction under this article may be revoked at any time by the Governor or by an authorised person.

Right of access to aerodromes, aircraft and other places

20.—(1) Subject to paragraph (2), in order to ascertain whether the provisions of this Order are being complied with, the Governor and any authorised person have the right of access at all reasonable times to any aerodrome, aircraft or to any other place in the Territory where a noise regulated aircraft or an emissions regulated aircraft has landed for the purposes of—

- (a) inspecting any aircraft or any document required under this Order; or
- (b) detaining that aircraft under article 19.

(2) Before accessing a military aerodrome under paragraph (1), the Governor or the authorised person must obtain the permission of the person in charge of that aerodrome.

Offences in relation to noise certificates, emissions certification, and exemptions

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

- (a) use any noise certificate issued under article 6(1) which is not valid under article 7 or to which the person is not entitled;
- (b) lend any noise certificate or document issued under paragraph 11(2) or 17(2) to another person or cause or permit such certificate or document to be issued in respect of an aircraft other than the one in relation to which the certificate or document was issued; or
- (c) make any false representation for the purpose of procuring—
 - (i) the issue of any noise certificate issued under article 6(1);
 - (ii) an exemption under article 11(1) or 17(1);
 - (iii) the lifting of a suspension of a noise certificate or exemption under article 12(6);
 - (iv) the issue of an emissions certification under article 16.

(2) Unless authorised to do so by the Governor pursuant to article 18, a person must not purport to—

- (a) issue a noise certificate under article 6(1);
- (b) revoke, suspend or vary a noise certificate or exemption under article 12;
- (c) endorse a Type Acceptance Certificate with respect to an emissions regulated aircraft under article 16;
- (d) issue an exemption under article 11(1) or 17(1).

(3) Any contravention of any provision of paragraph (1) or (2) is an offence.

Obstruction of persons

22.—(1) A person must not intentionally obstruct or impede any person acting in the exercise of powers or the performance of duties under this Order.

(2) Any contravention of paragraph (1) is an offence.

Offence of contravening Order

23.—(1) Subject to paragraph (2), any contravention of any provision of article 4, 5, 8, 9, 10, 13, 14, or 19(3) is an offence by the operator and the pilot-in-command of the aircraft to which the contravention relates.

- (2) A person is not guilty of an offence under paragraph (1) if—
- (a) the act or omission giving rise to the contravention was due to a cause not avoidable by the exercise of reasonable care by that person, or
 - (b) the contravention occurred without the person’s consent or connivance and the person exercised all due diligence to prevent the contravention.

Liability of bodies corporate and partnerships

24.—(1) Where an offence under this Order has been committed by a body corporate with the consent or connivance of, or as a result of neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or of any other person who was purporting to act in any such capacity, that person, as well as the body corporate, is guilty of that offence.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with the member’s functions of management as if the member were a director of the body corporate.

(3) Where a partnership commits an offence under this Order and that offence is proved to have been committed with the consent or connivance of, or as a result of neglect on the part of, a partner, the partner as well as the partnership is guilty of that offence.

Penalties

25. A person guilty of an offence under this Order is liable on summary conviction to a fine not exceeding £2,500 or its equivalent in the currency of the Territory.

Application of the Order to the Crown and visiting forces etc.

26.—(1) Subject to paragraphs (2), (3), (5) and (6), the provisions of this Order apply to, or in relation to, noise regulated aircraft or emissions regulated aircraft belonging to or exclusively employed in the service of His Majesty, as they apply to, or in relation to, other noise regulated aircraft or emissions regulated aircraft.

(2) For the purposes of the application of this Order to aircraft belonging to or exclusively employed in the service of His Majesty, the department or other authority for the time being responsible on behalf of His Majesty for the management of the aircraft is deemed to be the operator of the aircraft.

(3) Nothing in this article renders liable to any penalty any department or other authority responsible on behalf of His Majesty for the management of any aircraft.

- (4) Paragraph (5) applies to—
- (a) the naval, military and air force authorities and members of any visiting force;
 - (b) any international headquarters and its members;
 - (c) property held or used for the purpose of any such force or headquarters.

(5) Each body, person, and property to which this paragraph applies is exempt from the provisions of this Order to the same extent as if it formed part of His Majesty’s forces raised in the United Kingdom and for the time being serving in the Territory.

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

Extra-territorial effect of the Order

27.—(1) Insofar as the provisions for this Order apply to aircraft registered in the Territory, they apply to such aircraft wherever they may be.

(2) Insofar as the provisions of this Order apply to other aircraft, they apply to such aircraft when they are within the Territory.

(3) Insofar as the provisions of this Order prohibit, require or regulate the doing of anything by the pilot-in-command or operator of any aircraft registered in the Territory, they apply to the pilot-in-command or operator wherever they may be.

(4) Insofar as the provisions of this Order prohibit, require or regulate the doing of anything in relation to any aircraft registered in the Territory by persons other than the pilot-in-command or operator of the aircraft, where such persons are United Kingdom nationals, they apply to those persons wherever they may be.

(5) 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⁽⁹⁾ that that person is not to be guilty of an offence.

(6) In this article, “United Kingdom national” means a British citizen, a British overseas territories citizen, a British Overseas citizen, a British National (overseas), a British subject under the British Nationality Act 1981⁽¹⁰⁾ or a British protected person within the meaning of that Act.

Regulations by the Governor

28. The Governor may make regulations prescribing fees for the purposes of articles 6(1), 11(1) and 17(1).

Richard Tilbrook
Clerk of the Privy Council

⁽⁹⁾ 1948 c. 56. Section 3 was amended by section 314(2) of, and paragraph 22 of Schedule 13 to, the Merchant Shipping Act 1995 (c. 21) and by section 52(6) of, and Schedule 7 to, the British Nationality Act 1981 (c. 61).

⁽¹⁰⁾ 1981 c. 61.