
STATUTORY INSTRUMENTS

2024 No. 378

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

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(1).

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make the flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the Governor or by an authorised person.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—

(a) enter upon and inspect any aircraft; and

(1) 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.

(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⁽²⁾ 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⁽³⁾ 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).

(2) 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).

(3) 1981 c. 61.