



ST HELENA

(Chapter No. not allocated yet)

AVIATION ORDINANCE

Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email pa.lawofficers@legallandlands.gov.sh]¹

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

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NOTICE MADE BY THE GOVERNOR PURSUANT TO ARTICLES 4, 5, 7 and 74 OF THE AIR NAVIGATION (OVERSEAS TERRITORIES) ORDER 2013 (*Gazette Notice No. 28 published in Extraordinary Gazette No. 18 of 23 March 2015*)

¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

AVIATION ORDINANCE

(Ordinances 4 of 2015 and 6 of 2016)

AN ORDINANCE TO ENACT CERTAIN PROVISIONS RELATING TO CIVIL AVIATION; AND FOR PURPOSES CONNECTED THEREWITH OR INCIDENTAL THERETO.

Commencement

[1 June 2015²]

**PART 1
PRELIMINARY****Citation and commencement**

1. (1) This Ordinance may be cited as the Aviation Ordinance, 2015, and shall come into force on such date or dates as the Governor shall appoint by Order.

(2) An Order under subsection (1) may appoint different dates for different provisions or for different purposes of the same provision.

Interpretation

2. (1) References to legislation (including Ordinances and Conventions) in this Ordinance shall be to that legislation as amended or supplemented by regulations or other instruments as amended from time to time.

(2) Terms used in this Ordinance shall, unless the context otherwise requires, have the meaning ascribed to them in the Air Navigation (Overseas Territories) Order 2013 and as set out below:

“**aerodrome**” means the aerodrome at Prosperous Bay Plain;

“**aerodrome operator**” means the person contracted by the Government of St Helena to manage and operate the aerodrome;

“**aerodrome security officer**” means the Designated Accountable Manager appointed by the aerodrome operator and persons appointed by the Designated Accountable Manager from time to time, and every customs officer and police officer;

“**ASSI**” means Air Safety Support International Ltd, as defined in the Order;

“**authority**” means any court, agency, inspectorate, minister, official or public or statutory person with relevant jurisdiction;

“**Chicago Convention**” means the International Convention on Civil Aviation which was signed on the 7th day of December 1944 on behalf of the United Kingdom at the International Civil Aviation Conference held in Chicago;

“**fuel facilities**” means the bulk fuel facilities in Rupert’s Valley and the airport fuel facility adjacent to the aerodrome;

“**Fuel Management Contractor**” means the person appointed by the St Helena Government from time to time to manage the fuel facilities;

“**Order**” means The Air Navigation (Overseas Territories) Order 2013 (S.I. 2013 No. 2870 (UK));

² Commencement date fixed by L.N. 15 of 2015

“owner” in relation to an aircraft, means the registered owner of the aircraft;

“restricted area” means any area at the aerodrome or the fuel facilities designated as such by the aerodrome operator or the Fuel Management Contractor;

“Territory” means St Helena.

Control of land in the interests of civil aviation

3. (1) The Governor in Council may, if satisfied that it is necessary to do so in order to secure the safe and efficient use for civil aviation purposes of any land, structures, or works in connection with the aerodrome direct that any area of land, structure or works be subject to control in accordance with the provisions of this section.

(2) Pursuant to subsection (1), the Governor in Council may give directions—

(a) for requiring the total or partial demolition of any building or structure within the area to which the order relates;

(b) for restricting the height of trees upon any land within the area, or for requiring any tree upon any such land to be cut down or reduced in height;

(c) for extinguishing any private right of way over land within the area;

(d) for restricting the installation of cables, mains, pipes, wires or other apparatus upon, across, under or over any land within the area;

(e) for extinguishing, at the expiration of such period as may be determined by the directions any subsisting right of installing or maintaining any apparatus as aforesaid upon, across, over or under any land within the area;

(f) for requiring that, before the expiration of such period as may be determined by the directions, any such apparatus shall be removed from any land within the area.

(3) Any such direction by the Governor in Council may contain provisions for empowering any person so authorised to enforce any direction given by the Governor in Council under this section.

(4) Appeals in connection with this section shall be conducted in accordance with the Land Planning and Development Control Ordinance, 2013, and, for this purpose, the Tribunal established under that Ordinance shall have the power to hear and determine any appeal under this section.

Powers of detention

4. (1) Where default is made in the payment of any charges incurred in respect of any aircraft at the aerodrome, the aerodrome operator may, subject to the provisions of this section—

(a) detain, pending payment, either the aircraft in respect of which the charges are incurred (whether or not they were incurred by the person who is the operator of the aircraft at the time when the detention begins) or any other aircraft of which the person in default is the operator at the time when the detention begins; and

(b) if the charges are not paid within 56 days of the date when the detention begins, take such steps as are necessary to sell the aircraft in order to satisfy the charges.

(2) The Governor may authorise the detention of an aircraft at the aerodrome when so requested by an authority with respect to any non-compliance with international safety standards.

(3) Subject to the provisions of section 5, where an authority in a Contracting State has made a determination as to whether or not any sum is due in respect of air navigation services provided by that Contracting State, that determination shall be enforceable in St Helena.

Exemption of aircraft and parts thereof from seizure on patent claims

5. (1) Any lawful entry into St Helena or any lawful transit across St Helena, with or without landings, of an aircraft to which this section applies shall not entail any seizure or detention of the aircraft or any proceedings being brought against the owner or operator thereof or any other interference therewith or on behalf of any person in St Helena, on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is, or is likely to cause, an infringement of any patent, design or model.

(2) The importation into, and storage in, St Helena of spare parts and spare equipment for an aircraft to which this section applies and the use and installation thereof in the repair of such an aircraft shall not entail any seizure or detention of the aircraft or of the spare parts or spare equipment or any proceedings against the owner or operator of the aircraft or the owner of the spare parts or spare equipment or any other interference with the aircraft by or on behalf of any person in St Helena on the ground that the spare parts or spare equipment or their installation are or is an infringement of any patent, design or model.

Trespass

6. A person who, without the consent of an aerodrome security officer or other lawful authority, enters a restricted area or remains in the aerodrome or in the fuel facilities when requested to leave by an aerodrome security officer or by the Fuel Management Contractor is guilty of an offence.

Unauthorised presence on board aircraft

7. A person is guilty of an offence if, not being a person either engaged in Her Majesty's service or having lawful authority to do so—

- (a) goes on board any aircraft without the consent of the pilot in charge or an aerodrome security officer; or
- (b) remains on board any aircraft after being requested to leave by an aerodrome security officer.

Power to question and search

8. (1) Every person entering the aerodrome shall answer such questions as any aerodrome security officer may ask with respect to the purpose of his or her entry, or concerning any baggage or other property carried, and shall, if so required by the aerodrome security officer, produce that baggage or other property for examination at such place and in such manner as the aerodrome security officer may direct.

(2) A person is guilty of an offence if he or she makes a false statement to an aerodrome security officer, in relation to the purpose of his or her entry, or concerning any baggage or other property carried or refuses to produce any baggage or other property carried when requested to do so in accordance with subsection (1).

Penalties and power of arrest

9. (1) A person who is guilty of an offence under this Ordinance is liable on conviction to a fine not exceeding £20,000 or imprisonment for a term not exceeding five years, or to both such fine and imprisonment.

(2) An aerodrome security officer may arrest, without warrant, any person whom he or she has reasonable grounds to suspect is guilty of committing or attempting to commit an offence under this Ordinance.

Public health and environment

10.³ (1) An aircraft operator must have regard to guidelines issued by the Governor in Council or the World Health Organization in relation to the disinsection and disinfection of aircraft.

(2) For purposes of subsection (1)—

“**disinsection**” means the procedure whereby health measures are taken to control or kill insects present in aircraft, baggage, cargo, containers, goods and mail; and

“**disinfection**” means the procedure whereby health measures are taken to control or kill infectious agents on a human or animal body, in or on affected parts of aircraft, baggage, cargo, goods or containers, as required, by direct exposure to chemical or physical agents.

(3) The Governor in Council shall make regulations to—

(a) ensure the safe disposal of waste products on an aircraft landing at the aerodrome;

(b) prevent the importation of hazardous products by an aircraft;

(c) control effluent from aviation activities.

(4) Any person who contravenes subsection (1) or any Regulations issued under subsection (3) is guilty of an offence for which the maximum penalty on conviction is a fine of £2,000 or imprisonment for a period of six months, or both.

Application of law of wreck and salvage to aircraft

11. (1) Any services rendered in assisting, or in saving life from, or in saving cargo or apparel of, an aircraft in, on or over the sea or any tidal water, or on or over the shores of the sea or any tidal water, shall be deemed to be salvage services in all cases in which they would have been salvage services if they had been rendered in relation to a vessel.

(2) Where salvage services are rendered by an aircraft to any property or person, the owner of the aircraft shall be entitled to the same reward for those services as such owner would have been entitled to if the aircraft had been a vessel.

(3) Where any aircraft, part of an aircraft or equipment for an aircraft is sunk, stranded or abandoned in the territorial waters of St Helena in such a manner as in the opinion of the Harbour Master appointed under the Harbours Ordinance, Cap. 47 is, or is likely to become, an obstruction or a danger to marine navigation in those waters pending the raising, removal or destruction thereof, the Harbour Master may cause such aircraft, part or equipment to be lighted or buoyed in such manner as he or she considers appropriate.

Power to make regulations

12. (1) The Governor in Council shall make regulations in accordance with this Ordinance.

³ Section 10 amended by Ord. 6 of 2016

This e-version of the text is not authoritative for use in court.

(2) The Governor in Council may make regulations, or may authorise the aerodrome operator to issue byelaws, to regulate access to and activities at the aerodrome and notice of such regulations or byelaws shall be displayed at the aerodrome.

(3) Any byelaws issued by the aerodrome operator under paragraph (2) may provide that in respect of any contravention thereof the offender shall be liable on conviction to a maximum fine of £2,000, or to a maximum term of imprisonment of six months, or both, as may be prescribed therein.

AERODROME CHARGES REGULATIONS

(Legal Notices 16 of 2015, 17 of 2017 and 18 of 2017)

(Issued under article 158 of the Air Navigation (Overseas Territories) Order 2013 (S.I. 2013 No. 2870 (UK) made under the Civil Aviation Act (U.K. 1982))

Citation and commencement

1. These Regulations may be cited as the Aerodrome Charges Regulations, 2015, and shall come into force on 26 February 2016.

Interpretation

2. (1) References to legislation (including Ordinances and Conventions) in these Regulations shall be to that legislation as supplemented by regulations or other instruments as amended from time to time.

(2) Terms used in these Regulations shall, unless the context otherwise requires, have the meaning ascribed to them in the Air Navigation (Overseas Territories) Order 2013, and as set out below:

“**aerodrome**” means the aerodrome at Prosperous Bay Plain;

“**carrier**” means an airline operating for the purposes of commercial air transport to and from St Helena;

“**maximum certified take-off mass**” means the maximum permissible take-off weight of the aircraft and its contents as specified by the Aircraft Certificate of Airworthiness;

“**owner**” in relation to an aircraft, means the registered owner of the aircraft;

“**passenger**” means all persons transported by an aircraft with the exception of crew members;

“**Schedule**” means the Schedule to these Regulations;

“**transit passengers**” means passengers whose flight does not involve a change of flight number during its ground stop.

Charges

3. Subject to the provisions of these Regulations, there shall be levied charges as set out herein.

Exemptions

4. There shall be exempt from payment of charges—

(a) diplomatic, government and military aircraft and their personnel on official duty;

(b) aircraft that are involved in search and rescue or volcano monitoring;

(c) aircraft requiring an emergency landing, including bomb threats;

(d) aircraft returning within one hour after take-off;

(e) members of the aircraft crew, when required for the performance of their duties;

(f) officials of airline companies travelling on the business of the airline company;

(g) transit passengers.

Landing charge

This e-version of the text is not authoritative for use in court.

5. (1) There shall be levied a landing charge which shall be payable by an operator of an aircraft—

- (a) for the use of the landing facilities and installations (including lighting facilities and installations);
- (b) for the use of aircraft parking positions within the free parking time;
- (c) for the marshalling in and out of aircraft; and
- (d) for the cargo facilities generally available.

(2) The basis of the landing charge shall be the maximum certified take-off mass of the aircraft rounded up to the next full 1,000 kilograms.

(3) Irrespective of the maximum certified take-off mass of an aircraft, a minimum landing charge per aircraft will be charged per landing.

(4) The landing charge shall be assessed at the rate set out in the Schedule, subject to any exemptions granted pursuant to regulation 4.

Navigation charges

6. Charges for the use of terminal navigation facilities serving the aerodrome are included in the landing charge.

Parking charge

7. (1) There shall be levied a parking charge which shall be payable by an operator of an aircraft for the use by such aircraft of any parking areas available at the aerodrome.

(2) The basis of the parking charge shall be the maximum certified take-off mass rounded up to the next full 1,000 kilograms.

(3) The parking charge shall be assessed at the rate set out in the Schedule, subject to any exemptions granted pursuant to regulation 4.

Extended hours of operation charge

8. (1) There shall be levied an additional extended hours of operation charge which shall be payable by an operator for the use of the aerodrome and its landing facilities and installations when landing at the airport at times when the aerodrome would not ordinarily be open.

(2) The extended hours of operation charge shall be assessed at the rate set out in the Schedule, subject to any exemptions granted pursuant to regulation 4.

(3) The extended hours of operation charge will be identified to the operator of an aircraft as part of the Prior Permission Required application for services referred to in the St Helena Aeronautical Information Publication.

Passenger Service Charges

9. (1) There shall be levied a passenger service charge in respect of each passenger on each occasion such passenger leaves the aerodrome for a place outside St Helena at such rate as specified in the Schedule.

(2) The passenger service charge shall be payable for the use of the passenger terminal buildings including all their facilities and installations by departing passengers and for the implementation of required security measures.

(3) The basis of the passenger service charge shall be on each departing passenger at the rate set out in the Schedule, subject to any exemptions granted pursuant to regulation 4.

Essential infrastructure charge

9A.⁴ (1) There shall be levied an essential infrastructure charge in respect of each passenger on each occasion such passenger—

- (a) arrives at the aerodrome from a place outside St Helena; or
- (b) leaves the aerodrome for a place outside St Helena.

(2) The essential infrastructure charge is payable as a contribution to the cost of the essential infrastructure required to operate the aerodrome.

(3) The basis of the essential infrastructure charge is on each arriving and departing passenger at the rate set out in the Schedule, subject to any exemption conferred by regulation 4.

Payments

10.⁵ (1) Landing charges and parking charges shall be payable by the operator of an aircraft, or his nominated representative, prior to departure of the aircraft from St Helena, unless prior arrangements have been agreed in writing by the Financial Secretary of the St Helena Government.

(2) The passenger service charge and essential infrastructure charge must be collected by the carrier or operator of an aircraft prior to departure of the aircraft to or from St Helena, unless prior arrangements have been made with the Financial Secretary.

(3) All passenger service charges and essential infrastructure charges collected shall be remitted to the Financial Secretary on a monthly basis.

(4) Notwithstanding anything in the foregoing provisions of this Regulation, the Financial Secretary may allow the charges payable by or on behalf of the operator of a civil aircraft regularly arriving at the aerodrome to be calculated monthly with reference to the total number of aircraft of that operator which actually arrive at the aerodrome during the month in respect of which the calculation is to be made.

SCHEDULE⁶

AERODROME: St Helena

LANDING CHARGE: (Regulation 5)

Rate of landing charge: £4 per metric tonne, subject to a minimum charge of £200

⁴ Regulation 9A inserted by LN 17 of 2017 and substituted by LN 18 of 2017

⁵ Regulation 10 amended by LN 17 of 2017 and LN 18 of 2017

⁶ Schedule amended by LN 17 of 2017 and LN 18 of 2017

PARKING CHARGE: (*Regulation 7*)

Rate of parking charge: 0 – 4 hours free, thereafter 20% of applicable landing charge per 24 hours or part thereof

EXTENDED HOURS OF OPERATION CHARGE: (*Regulation 8*)

A surcharge of 100% of the applicable landing charge for flights landing on a day other than a Contracted Flying Day as defined in the St Helena Aeronautical Information Publication.

PASSENGER SERVICE CHARGE: (*Regulation 9*)

Rate of passenger service charge: International flights:
Passengers over 12 years: £17.00
Passengers between 2 and 12 years: £8.50
Passengers under 2 years: £0

Rate of passenger service charge – Domestic flights:
Passengers over 12 years: £17.00
Passengers between 2 and 12 years: £8.50
Passengers under 2 years: £0

FUEL FACILITIES CHARGE (*Regulation 9A*)

Rate of fuel facilities charge: £50.00 per passenger

ESSENTIAL INFRASTRUCTURE CHARGE (*Regulation 9A*)

Rate of essential infrastructure charge: £50.00 per passenger

CIVIL AVIATION (INVESTIGATION OF AIR ACCIDENTS AND INCIDENTS) REGULATIONS

(Legal Notices 12 of 2016 and 13 of 2016)

(Issued under section 75 of the Civil Aviation Act 1982 (U.K. Act 1982 c.16), as extended to St Helena by Article 4 of the Civil Aviation Act 1982 (Overseas Territories) Order 2001 and in accordance with Schedule 1 to that Order)

Citation and commencement

1. These Regulations may be cited as the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations, 2016, and shall come into force upon publication in the Government Gazette.

Interpretation

2. (1) In these Regulations, unless the context otherwise requires—
- “**accident**” means an occurrence associated with the operation of an aircraft which, in the case of a manned aircraft takes place between the time a person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which—
- (a) a person is fatally or seriously injured as a result of being in the aircraft, or in direct contact with any part of the aircraft including parts which have become detached from the aircraft, or direct exposure to jet blast, except when the injuries are from natural causes, self-inflicted or were inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or
- (b) the aircraft sustains damage or structural failure which—
- (i) adversely affects the structural strength, performance or flight characteristics of the aircraft; and
- (ii) would normally require major repair or replacement of the affected component,
- except for engine failure or damage when damage is limited to a single engine (including its cowlings or accessories), to propellers, wing tips, antennas, probes, tyres, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes) or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); or
- (c) the aircraft is missing or is completely inaccessible;
- “**accredited representative**” means a person designated by a State, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another State;
- “**adviser**” means a person appointed by a State, on the basis of his or her qualifications, for the purpose of assisting its accredited representative in an investigation;

- “**aerodrome authority**” means, in relation to an aerodrome, the person by whom the aerodrome is managed;
- “**aircraft**” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface;
- “**cause**” means an act, omission, condition or circumstance which if eliminated or avoided would have prevented the occurrence or would have mitigated the resulting injuries or damage;
- “**Chief Investigator**” means the Chief Air Accident Investigator appointed under regulation 8;
- “**Contracting State**” means any State which is party to the Chicago Convention;
- “**contributing factors**” means actions, omissions, events, conditions, or a combination thereof, which, if eliminated, avoided or absent, would have reduced the probability of the accident or incident occurring, or mitigated the severity of the consequences of the accident or incident;
- “**crew**” includes every person employed or engaged by the operator in an aircraft in flight in relation to the operation of the aircraft including, where the operator and the pilot in command are the same person, the pilot in command;
- “**expert**” means a person appointed by a State which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens;
- “**fatal injury**” means an injury which is sustained by a person in an accident and which results in his or her death within 30 days of the date of the accident;
- “**flight recorder**” means any type of recorder installed in an aircraft for the purpose of complementing accident or incident investigation including a flight data recorder, cockpit voice recorder and image recorder;
- “**incident**” means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;
- “**investigation**” means a process conducted by a Safety Investigation Authority for the purpose of accident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes and/or contributing factors and, when appropriate, the making of safety recommendations;
- “**Investigator**” means a person appointed as an Air Accident Investigator under regulation 8;
- “**Investigator-in-Charge**” means a person charged, on the basis of his or her qualifications, with responsibility for the organisation, conduct and control of an investigation conducted pursuant to these Regulations;
- “**maximum mass**” means certificated maximum take-off mass of an aircraft;
- “**operator**” means a person, organisation or enterprise engaged in, or offering to engage in the operation of an aircraft, whether for valuable consideration or otherwise;
- “**owner**” means, where an aircraft is registered, the registered owner;
- “**pilot in command**” means the pilot designated by the operator as being in command of an aircraft and charged with the safe conduct of its flight or, if no such designation has been made, the person who for the time being is in charge of piloting the aircraft without being under the direction of any other pilot in the aircraft;
- “**preliminary report**” means the communication used for the prompt dissemination of data obtained during the early stages of the investigation;
- “**safety recommendation**” means a proposal of an accident investigation authority, based on information derived from an investigation, made with the intention of preventing accidents or incidents and which in no case has the purpose of creating a presumption of blame or liability for an accident or incident;
- “**serious incident**” means an incident involving circumstances indicating that there was a high probability of an accident and is associated with the operation of an aircraft; and

“**serious injury**” means an injury which is sustained by a person in an accident and which—

- (a) requires hospitalisation for more than 48 hours, commencing within seven days from the date the injury was received; or
- (b) results in a fracture of a bone, excluding simple fractures of fingers, toes, or nose; or
- (c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or
- (d) involves injury to an internal organ; or
- (e) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or
- (f) involves verified exposure to infectious substances or harmful radiation;

and references to “seriously injured” in these Regulations shall be construed accordingly;

“**State of Design**” means the State having jurisdiction over the organisation responsible for the type design of an aircraft or aircraft engine;

“**State of Manufacture**” means the State having jurisdiction over the organisation responsible for the final assembly of an aircraft, aircraft engine, or major components of the aircraft;

“**State of Occurrence**” means the State in the territory of which an accident or serious incident occurs;

“**State of the Operator**” means the State in which the operator’s principal place of business is located or, if there is no such place of business, the operator’s permanent residence;

“**State of Registry**” means the State on whose register an aircraft is entered.

(2) A notice or other document required or authorised by a provision of these Regulations to be served on or given to a person may be served or given by—

- (a) delivery to the person;
- (b) leaving it at the person's usual or last-known residence or place of business, whether in St Helena or elsewhere;
- (c) sending it to the person at the address referred to in paragraph (b) by post, telex, facsimile transmission, or other similar means which produce a document containing a text of the communication, whereupon the document shall be treated as served when it is received.

Application

3. These Regulations apply only to accidents and incidents involving aircraft engaged in civil aviation.

Purpose of the investigation of accidents and incidents

4. The sole objective of the investigation of an accident or incident under these Regulations is the prevention of accidents and incidents and it is not the purpose of this activity to apportion blame or liability.

Duty to furnish information relating to accidents and serious incidents

5. (1) Where an accident or a serious incident occurs the relevant person and, in case of an accident or a serious incident occurring on or adjacent to an aerodrome, the aerodrome authority shall—

- (a) give notice of the accident or incident to the Governor, the Chief Investigator and to the designated authority for civil aviation regulation in St Helena by the quickest means of communication available; and
- (b) where an accident occurs in or over St Helena, notify forthwith the local police authorities of the accident and of the place where it occurred.

(2) In this regulation the expression "relevant person" means—

- (a) in the case of an accident or serious incident occurring in or over St Helena, or occurring elsewhere to an aircraft registered in St Helena, the pilot in command of the aircraft involved at the time of the accident or serious incident or, if the pilot in command be killed or incapacitated, the operator of the aircraft; and
- (b) in the case of a serious incident occurring in or over a country or territory other than a Contracting State to an aircraft registered elsewhere than in St Helena but operated by an undertaking established in St Helena, the undertaking.

(3) The notice to the Chief Investigator referred to in paragraph (1) shall contain, to the extent it is available—

- (a) in the case of an accident, the identifying abbreviation 'ACCID' or, in the case of a serious incident 'INCID';
- (b) the manufacturer, model, nationality and registration marks, and serial number of the aircraft;
- (c) the name of the owner, operator and hirer or lessee, if any, of the aircraft;
- (d) the qualifications of the pilot in command, and the nationality of the crew and passengers;
- (e) the date and time (local time or UTC) of the accident or serious incident;
- (f) the last point of departure and the point of intended landing of the aircraft;
- (g) the position of the aircraft with reference to some easily defined geographical point and latitude and longitude;
- (h) the number of—
 - (i) crew on board the aircraft at the time of the accident or serious incident and, in the case of an accident, the number of crew killed or seriously injured as a result of the accident;
 - (ii) passengers on board the aircraft at the time of the accident or serious incident and, in the case of an accident, the number of passengers killed or seriously injured as a result of the accident; and
 - (iii) in the case of an accident, other persons killed or seriously injured as a result of the accident;
- (i) a description of the accident or serious incident and the extent of the damage to the aircraft as far as is known as well as an indication of access difficulties or special requirements to reach the site; and
- (j) the presence and description of any dangerous goods on board the aircraft.

(4) The Chief Investigator shall forward a notification of an accident or serious incident in the ICAO ADREP format with the minimum of delay and by the most suitable and quickest means available to—

- (a) the State of Registry;
- (b) the State of the Operator;
- (c) the State of Design;
- (d) the State of Manufacture; and

- (e) ICAO, when the aircraft involved is of a maximum mass of over 2,250kg or is a turbo-jet powered aircraft.
- (5) The owner, operator, pilot in command or hirer of the aircraft shall, if so required by notice in writing given to him by the Chief Investigator, send to the Chief Investigator such information as is in his possession or control, in such form and at such times as may be specified in the notice.
- (6) Upon receipt of notification of an accident or a serious incident occurring outside St Helena involving an aircraft registered in St Helena or of which St Helena is the State of the operator, the operator of the aircraft shall, as soon as possible, provide the authorities of the State conducting the investigation with any relevant information available regarding the aircraft and flight crew involved in the accident or serious incident, and a copy of the passenger manifest and any dangerous cargo.
- (7) Notwithstanding the provisions of paragraph (6), the Chief Investigator shall inform the authorities of the State conducting the investigation whether St Helena intends to appoint an accredited representative.

Preliminary report on accident or incident to be published

6. Subject to regulations 11(2) and 18, the Chief Investigator may at any time publish, or cause to be published, a preliminary report or information relating to an accident or serious incident.

Protection and removal of damaged aircraft

7. (1) Subject to paragraphs (2) and (3) and regulation 9, where an accident or serious incident occurs in or over St Helena—
- (a) no person other than an authorised person shall have access to the aircraft involved in the accident or serious incident; and
 - (b) neither the aircraft nor its contents shall, except under the authority of the Chief Investigator or the Investigator-in-Charge, be removed or otherwise interfered with; and
 - (c) the Chief Investigator, the Investigator-in-Charge, or persons authorised on his behalf, shall take all reasonable measures to protect the evidence and to maintain safe custody of the aircraft and its contents for such a period as may be necessary for the purposes of an investigation;
 - (d) the Chief Investigator, the Investigator-in-Charge or person authorised on his behalf, shall take all necessary steps to ensure that the aircraft, its contents, and any other evidence remain undisturbed pending inspection by an accredited representative, pursuant to a request from the State of Registry, State of Design, State of Manufacture or State of the Operator, so far as this is reasonably practicable and compatible with the proper conduct of the investigation and provided that it does not result in undue delay in returning the aircraft to service where this is practicable.
- (2) Notwithstanding paragraph (1)—
- (a) the aircraft may be accessed, moved or interfered with to the extent necessary to—
 - (i) extricate persons, animals, mail and valuables;
 - (ii) prevent destruction by fire or other causes;

- (iii) eliminate any danger or obstruction to air navigation, to other transport or to the public; or
 - (iv) remove other property from the aircraft under the supervision of an Investigator or with the agreement of an Investigator or a police officer; and
- (b) where an aircraft is in water, the aircraft or any of its contents may be removed to such extent as may be necessary for bringing the aircraft or the contents to a place of safety.
- (3) The Chief Investigator or the Investigator-in-Charge shall release custody of the aircraft, its contents or any parts thereof as soon as they are no longer required in the investigation, to any person or persons duly designated by the State of Registry or the State of the Operator, as applicable.
- (4) In this regulation the expression "authorised person" means—
- (a) a person authorised by the Governor either generally or specially to have access to an aircraft involved in an accident or serious incident;
 - (b) the Chief Investigator, the Investigator-in-Charge or a person authorised by him;
 - (c) a police officer; or
 - (d) an officer of the Customs and Excise Department.

Air Accident Investigators

8. (1) For the purpose of carrying out investigations into accidents and incidents to which these Regulations apply, the Governor shall appoint a Chief Investigator who will appoint persons as air accident investigators, one of whom shall be appointed as the Investigator in Charge.

(2) Subject to paragraphs (4) and (5), the Chief Investigator shall carry out, or cause an Investigator to carry out, an investigation into—

- (a) accidents and serious incidents which occur in or over St Helena;
- (b) accidents and serious incidents which occur to aircraft registered in St Helena in or over a country or territory which is not a Contracting State or where the location of the accident or serious incident cannot definitely be established as being in the territory of any State;
- (c) accidents and serious incidents which occur in or over a country or territory which is not a Contracting State to aircraft which are registered elsewhere than in St Helena but which are operated by an undertaking established in St Helena when such an investigation is not carried out by another State; and

(3) Subject to paragraphs (4) and (5), the Chief Investigator may, where he expects to draw air safety lessons from it, carry out, or cause an Investigator to carry out, an investigation into an incident, other than a serious incident, which occurs—

- (a) in or over St Helena; or
- (b) otherwise than in or over St Helena to an aircraft registered in St Helena.

(4) The Chief Investigator may delegate the whole or any part of an investigation into an accident or incident to another State or a regional accident investigation organization by mutual arrangement and consent.

(5) Where the Chief Investigator delegates the task of carrying out an investigation pursuant to paragraph (4), the Chief Investigator shall to the extent possible facilitate inquiries by the Investigator-in-Charge appointed by the relevant State.

(6) Without prejudice to the power of an Investigator to seek such advice or assistance as the Investigator may deem necessary in making an investigation, the Chief Investigator may appoint suitably qualified persons to assist an Investigator in a particular investigation.

(7) The Chief Investigator may invite the aviation authorities and suitably qualified persons or organisations from St Helena and other Contracting States to assist in the conduct of the investigation, so far as this is compatible with the proper conduct of the investigation.

(8) The Chief Investigator shall designate a person as the Investigator-in-Charge of an investigation except where the investigation has been delegated under paragraph (4).

(9) If, in the course of an investigation, it becomes known, or it is suspected, that an act of unlawful interference to the aircraft was involved in the cause of the accident or serious incident the Investigator-in-Charge shall immediately initiate action to ensure that the aviation security authorities of St Helena are informed.

Powers and duties of Investigators

9. (1) An Investigator is authorised, for the purpose of enabling him to carry out an investigation into an accident or incident in the most efficient way and within the shortest time, in co-operation with the authorities responsible for any judicial inquiry where appropriate, to—

- (a) have unrestricted and unhampered access to and control over the site of the accident or incident, the aircraft, its contents or its wreckage, and all relevant material or evidence including the protection of the aircraft, debris or components for examination or analysis purposes;
 - (b) ensure an immediate listing of evidence and controlled removal of debris, or components, for examination or analysis purposes;
 - (c) have immediate access to and use of the contents of the flight recorders and any other recordings;
 - (d) arrange for the read out of the flight recorders without delay;
 - (e) arrange for an expeditious autopsy or medical examination of the crew, passengers and other persons and have immediate access to the results of examination of the bodies of victims or of tests made on samples taken from the bodies of victims;
 - (f) have immediate access to the results of examinations of the people involved in the operation of the aircraft or of tests made on samples taken from such people;
 - (g) call and examine witnesses and to require them to produce information or evidence relevant to the investigation; and
 - (h) have free access to any relevant information or records held by the owner, the operator or the manufacturer of the aircraft, by the authorities responsible for civil aviation, air navigation services or airport operations.
- (2)** For the purposes of paragraph (1), an Investigator has power—
- (a) by summons under the Investigator's hand, to call before him and examine all persons as the Investigator thinks fit, require persons to answer questions or furnish information or produce books, papers, documents and articles which the Investigator may consider relevant, and to retain any such books, papers, documents and articles until the completion of the investigation;
 - (b) to take statements from all persons as the Investigator thinks fit and to require any person to make and sign a declaration of the truth of the statement made by him;
 - (c) on production of the Investigator's credentials, where these are required, to enter and inspect any place, building or aircraft the entry or inspection whereof appears to the Investigator to be requisite for the purposes of the investigation;

- (d) on production of the Investigator's credentials, where these are required, to remove, test, take measures for the preservation of or otherwise deal with any aircraft, other than an aircraft involved in the accident or incident, where it appears to the investigating Investigator requisite for the purposes of the investigation; and
 - (e) to take such measures for the preservation of evidence as the Investigator considers appropriate.
- (3) A person summoned by an Investigator under paragraph (2)(a) shall be allowed such expenses as the Governor may determine.

Form and conduct of investigations

10. The extent of investigations and the procedure to be followed in carrying out investigations required or authorised under these Regulations shall be—

- (a) wholly independent of, and separate from, any judicial or administrative proceedings to apportion blame or liability;
- (b) coordinated with any investigation conducted by the judicial authorities;
- (c) determined by the Chief Investigator taking account of the purpose described in regulation 4 and the lessons the Chief Investigator expects to draw from the accident or incident for the improvement of aviation safety.

Investigation report

11. (1) On completion of an investigation into an accident or incident, the Investigator-in-Charge shall prepare a Final Report of the investigation in a form, prescribed in the Appendix to Annex 13 of the Convention, appropriate to the type and seriousness of the accident or incident.

(2) On completion of an investigation, the Chief Investigator shall send a copy of the draft Final Report to the following States, inviting their significant and substantiated comments on the report as soon as possible—

- (a) the State of Registry;
- (b) the State of the Operator;
- (c) the State of Design;
- (d) the State of Manufacture; and
- (e) any other State that participated in the investigation

and shall take account of such comments received within 60 days on technical aspects of the report and either amend the report to include the substance of the comments or, at the request of the State that provided the comments, append the comments upon which no agreement could be reached, to the Final Report.

(3) Where it appears to the Investigator-in-Charge that the investigation of an accident or incident—

- (a) involving a collision between a civil aircraft and a military aircraft, or
- (b) occurring while a civil aircraft was on, or in the course of taking off from or landing on, an aerodrome controlled by a naval, military or air force or by the naval, military or air forces of any country,

has been completed, except for the investigation of matters affecting the discipline or internal administration of naval, military or air forces which are more appropriate for the investigation by some other person or body—

- (i) the investigation may be treated for the purpose of paragraph (1) as if it had been completed without such matters being investigated under these regulations; and

- (ii) where sub-paragraph (i) applies, the report of the investigation into the accident or incident shall state the matters to which the investigation, by reason of this paragraph, has not extended.
- (4) The report of an investigation into an accident or incident shall state the sole objective of the investigation as described in regulation 4 and, where appropriate, contain a list of findings, cause(s), causal factors and/or contributing factors and safety recommendations.
- (5) The Chief Investigator shall submit a copy of every report prepared pursuant to paragraph (1) to the Governor without delay.

Notice of investigation report and representations

12. (1) Where, in the Chief Investigator's opinion, publication of a report required by regulation 13 to be published is likely to adversely affect the reputation of a person, the Chief Investigator shall not submit the Final report to the Governor for publication until he has—

- (a) where it appears to him practicable to do so, served a notice on the person or, where the person is deceased, on the person who appears to him to best represent the interest of the deceased at the time he proposes to serve the notice; and
 - (b) made such changes to the report as he thinks fit following consideration of representations made to him in accordance with paragraph (3) by or on behalf of the person served with the notice under sub-paragraph (a).
- (2) The notice referred to in sub-paragraph (a) of paragraph (1) shall include particulars of any proposed analysis of facts and conclusions as to the cause or causes of the accident or incident which may affect the person on whom or in respect of whom the notice is served.
- (3) Subject to paragraph (5), representations made pursuant to sub-paragraph (b) of paragraph (1) shall be in writing and served on the Chief Investigator within 28 days of service of the notice or such longer period as the Chief Investigator may allow.
- (4) No person shall disclose or permit to be disclosed any information contained in a notice or report served on such person pursuant to paragraphs (1) or (4) to any other person without the prior consent in writing of the Chief Investigator.
- (5) The Chief Investigator may, notwithstanding that the period has expired, extend the period of 28 days referred to in paragraph (3).
- (6) A person who contravenes or fails to comply with paragraph (4) commits an offence.
- (7) No person shall circulate, publish or give access to a draft report or any part thereof, or any documents obtained during an investigation of an accident or incident conducted by another State without the consent of that State, unless such reports or documents have been released by that State.

Publication of reports

13. The Governor shall cause the Final Report of an investigation into an accident or incident to be made public—

- (a) in the shortest time possible;
- (b) where possible, within 12 months of the date of the accident or incident; and
- (c) in such a manner as the Governor thinks fit.

Safety recommendations

14. (1) The Chief Investigator shall cause the report referred to in regulation 13, and the safety recommendations contained in it, to be communicated to ICAO and to all of the relevant undertakings or aviation authorities concerned in the States referred to in regulation 11(2).

(2) A safety recommendation shall in no case create a presumption of blame or liability for an accident or incident.

(3) Without prejudice to the investigation or publication of the Final Report, at any stage of an investigation of an accident or incident, the Chief Investigator may recommend in a dated transmittal communication to the appropriate authorities, including those in other States and where appropriate ICAO, any preventative action that he considers necessary to be taken promptly to enhance aviation safety.

(4) An undertaking or authority to which a safety recommendation is communicated pursuant to paragraph (1) shall, without delay—

- (a)** consider the safety recommendation and, where it considers it to be appropriate, act upon it; and
- (b)** send to the Chief Investigator one of the following—
 - (i)** full details of the measures, if any, it has taken or proposes to take to implement the recommendation without delay and, where it proposes to implement measures, the timetable for securing that implementation; or
 - (ii)** a full explanation as to why the recommendation is not to be the subject of measures to be taken to implement it; and
- (c)** give written notice to the Chief Investigator where at any time information provided to him pursuant to sub-paragraph (b)(i), concerning the measures it proposes to take or the timetable for securing their implementation, is rendered inaccurate by any change of circumstances.

Reopening of investigation

15. (1) If, after an investigation has been closed, new and significant evidence becomes available the Chief Investigator may cause the investigation of an accident or incident to be reopened.

(2) An investigation that is reopened shall be subject to and conducted in accordance with these Regulations.

Accredited representatives, advisers and experts

16. (1) Where an investigation of an accident or serious incident is being carried out by an Investigator pursuant to regulation 8, accredited representatives maybe appointed by—

- (a)** the State of Registry;
- (b)** the State of Design;
- (c)** the State of Manufacture;
- (d)** the State of the Operator; and
- (e)** a Contracting State which has, on request, furnished information, facilities or experts to the Investigator in connection with the accident or serious incident.

(2) Where an investigation of an accident or serious incident is being carried out by an Investigator pursuant to regulation 8, an ‘expert’ may be appointed by a State which has a special interest in the accident by virtue of fatalities or serious injuries to its citizens.

(3) Accredited representatives may participate in the investigation and be permitted to—

- (a) visit the scene of the accident;
- (b) examine the wreckage;
- (c) obtain witness information and suggest areas of questioning;
- (d) receive copies of all pertinent documents, saving all just exceptions;
- (e) have full access to all relevant evidence as soon as possible;
- (f) participate in read outs of recorded media;
- (g) participate in off-scene investigative activities such as component examinations, technical briefings, tests and simulations;
- (h) participate in investigation progress meetings, including deliberations related to analysis, findings, causes and safety recommendations;
- (i) make submissions in respect of the various elements of the investigation; and
- (j) be accompanied by such advisers as may be considered necessary by the authorities of the State by which the accredited representative is appointed.

(4) An ‘Expert’ representative may participate in the investigation and be permitted to—

- (a) visit the scene of the accident;
- (b) have access to the relevant factual information which is approved for public release by the State conducting the investigation, and information on the progress of the investigation; and
- (c) receive a copy of the Final Report;
- (d) assist in the identification of victims and in meetings with survivors from their State.

Obstruction of investigation

17. (1) No person shall obstruct or impede an Investigator or any person acting under the authority of the Chief Investigator in the exercise of any powers or duties under these Regulations.

(2) No person shall without reasonable excuse fail, after having had the expenses, if any, to which he is entitled under these Regulations tendered to him, to comply with any summons of an Investigator holding an investigation.

Disclosure of relevant records

18. (1) In this regulation—
“**judicial proceedings**” includes any proceedings before a court, tribunal or person having by law power to hear, receive and examine evidence on oath;
“**Governor**” includes any Investigator or officer under the jurisdiction of the Governor;
“**relevant court**” in the case of judicial proceedings or an application for disclosure means the courts of St Helena; and
“**relevant record**” means cockpit voice and flight data recordings and airborne image recordings and any transcripts from such recordings and any other records in the possession, custody or power of the Chief Investigator which includes—

- (a) all statements taken from persons by an Investigator or supplied to an Investigator in the course of his investigation, together with any notes or voice recordings of interviews;
- (b) all communications between persons having been involved in the operation of the aircraft;
- (c) medical or private information regarding persons involved in the accident or incident;
- (d) recordings and transcriptions of recordings from air traffic control units;
- (e) analysis of and opinions expressed about information, including flight recorder information, made in the investigation in relation to the accident or incident; and
- (f) the draft final report, except as mentioned in regulation 11(1).

(2) Subject to paragraphs (3), (4), (5) and (6), no relevant record shall be made available by the Chief Investigator or the Governor to any person for purposes other than an accident or incident investigation conducted under these Regulations.

(3) The records listed in paragraph (1) shall be included in the Final Report or its appendices only when pertinent to the analysis of the accident or incident and parts of the records not relevant to the analysis shall not be disclosed.

(4) The names of persons involved in an accident or incident shall not be disclosed to the public by an Investigator.

(5) Nothing in paragraph (2) shall preclude the Governor or the Chief Investigator making a relevant record available to any other person where—

- (a) in a case where the other person is a party to or otherwise entitled to appear at judicial proceedings, the relevant court has ordered that the relevant record shall be made available to that person for the purpose of those proceedings; or
- (b) in any other circumstances, the relevant court has ordered that the relevant record shall be made available to that person for any other purpose.

(6) Subject to paragraph (6), no order shall be made under paragraph (5) unless the relevant court is satisfied that the interests of justice in the circumstances in question outweigh any adverse domestic and international impact which disclosure may have on the investigation into the accident or incident to which the record relates or on any future accident or incident investigation undertaken in St Helena.

(7) A relevant record or part thereof shall not be treated as having been made available contrary to paragraph (2) in any case where that record or part is included in the Final Report or the appendices to the Final Report, of the accident or included in a notice served under regulation 12.

(8) The provisions of this regulation apply without prejudice to any rule of law, which authorises or requires the withholding of any relevant record or any part thereof on the ground that the disclosure of it would be injurious to the public interest.

Offences and Penalties

19.⁷ ...

Revocation

20. (1) The Civil Aviation (Investigation of Air Accidents and Incidents) Regulations, 2015, are revoked.

⁷ Regulation 19 revoked by LN 13 of 2016

(2) Any investigation commenced under the Regulations revoked by paragraph (1), which has not been completed, shall continue as if it had been commenced under these Regulations.

AERODROME REGULATIONS – SECTION 12(2)

(Legal Notices 18 of 2015 and 10 of 2016)

Citation and commencement

1. These Regulations may be cited as the Aerodrome Regulations, 2015, and shall come into force on 3 July 2015.

Interpretation

2. (1) References to legislation (including Ordinances and Conventions) in these Regulations shall be to that legislation as amended or supplemented by way of regulations or other instruments from time to time.

(2) Terms used in these Regulations shall, unless the context otherwise requires, have the meaning ascribed to them in the Air Navigation (Overseas Territories) Order 2013 (S.I. 2013 No. 2870 (UK)), and the Aviation Security and Piracy (Overseas Territories) Order 2000 (S.I. 2000 No. 3059 (UK)) and as set out below:

“**airside**” includes the movement area of the aerodrome and any other part of the aerodrome to which a person is denied access unless in possession of a valid flight ticket or boarding card or such other identification issued or approved by the aerodrome operator;

“**police officer**” means a person who is a member of, or seconded to, the St Helena Police Service, and includes special constables and constables under probation;

“**parking area**” means a place defined by studs or lines on the ground and provided for the parking of any class of vehicle;

“**passenger**” means all persons transported by an aircraft with the exception of crew members;

“**security restricted area**” means any area at the aerodrome designated as such by the aerodrome operator.

Access to aerodrome and security restricted areas

3. (1) All persons on any part of the aerodrome shall be governed by the provisions prescribed in these Regulations and by orders and instructions of an aerodrome security officer relating to the use or occupation of any part of the aerodrome, and this Regulation is subject to Article 9 of the Air Navigation (Overseas Territory) Order, 2013.

(2) No person shall enter any security restricted area except with the general or specific written permission of the aerodrome operator and subject to such conditions as may be prescribed.

(3) No person shall enter or be upon the runway, control tower or the customs area of the aerodrome, except—

- (a) persons assigned to duty thereon by the aerodrome operator;
- (b) authorised representatives of the St Helena Government; and
- (c) persons authorised by the aerodrome operator.

(4) All required permits, passes and other required forms of identification shall be prominently displayed and available for inspection.

(5) A person shall state his correct name and address and the purpose of his being on the aerodrome, if so requested by an aerodrome security officer.

(6) No provision in these Regulations shall apply to any member of a fire, police or ambulance service when he is attending a notified emergency or incident, or to any emergency vehicle being used by such member during such emergency or incident.

(7) Authorised airport identification shall be used only by the person to whom such identification was issued and it shall be used only for purposes of conducting official airport related business.

Animals

4. (1) No person shall bring into the aerodrome or tether, or cause to be tethered, or permit to stray on the aerodrome any animal:

Provided that this Regulation shall not apply in respect of any animal which has arrived by air or is intended for despatch by air and which is restrained by leash or confined in such other manner as to be under control.

(2) It shall be lawful for any aerodrome security officer to seize and impound any animal found straying or tethered on the aerodrome, or to shoot any animal found straying on the aerodrome.

(3) Paragraph (1) shall not apply to any dog required to be on the aerodrome for security or guard duties, provided that the animal is restrained by leash or under the control of an aerodrome security officer.

Prohibited acts

5. The following acts are prohibited within the aerodrome in the absence of lawful authority or reasonable excuse:

- (a) Intentionally obstructing or interfering with the proper use of the aerodrome;
- (b) intentionally obstructing any person acting in the execution of his duty in relation to the aerodrome;
- (c) failing to comply with any notice prohibiting or restricting access to any building, road or any part of the aerodrome;
- (d) allowing any vehicle, animal or thing to be on the aerodrome after having been required to remove it or after its presence on the aerodrome has been forbidden by an aerodrome security officer;
- (e) boarding or climbing upon, or attempting to board or climb upon, any aircraft without the authority of the person in charge of it;
- (f) failing to chock properly or otherwise secure a stationary aircraft other than in a hangar;
- (g) intentionally operating, otherwise than in an emergency, any switch or lever of any escalator lift or door upon or near which is displayed a notice that it is intended only to be operated in an emergency;
- (h) obstructing an emergency exit at the aerodrome;
- (i) tampering with, interfering with or misusing any lift, escalator, conveyor belt, power operated gangway or any mechanical or electronic equipment, including fire hydrants, fire extinguishers, defibrillators or other lifesaving equipment;
- (j) tampering with, interfering with or misusing any apparatus provided for transmitting and receiving messages;
- (k) smoking in, or otherwise bringing or lighting any naked light into or in, any place on the aerodrome save in a designated smoking area;
- (l) climbing any wall, fence, barrier, railing or post;
- (m) taking photographs or participating in filming or sound recording in a security restricted area of the aerodrome without permission;

- (n) throwing, leaving or dropping on the apron anything capable of causing injury to any person or property;
- (o) littering on the aerodrome or discarding foodstuff or other items in a manner that may attract birds or other animals;
- (p) intentionally giving a false fire or ambulance alarm, bomb warning or any other emergency alarm by any means;
- (q) failure to place an aircraft or any device, appliance or other thing incidental or ancillary thereto in the place and position appointed for that purpose by the aerodrome operator or a person authorised by him in that behalf;
- (r) on parts of the aerodrome to which the Road Traffic Ordinance, Cap. 101, does not apply—
 - (i) driving or placing a vehicle carelessly or recklessly or without due consideration for persons using the aerodrome;
 - (ii) failure by the driver of a vehicle to stop when required to do so by an aerodrome security officer;
 - (iii) failure by the driver of a vehicle which is involved in an accident to give his name and address and the name and address of the owner of the vehicle to any person having reasonable grounds for requiring them;
 - (iv) failure by the driver of a vehicle forthwith to stop after any accident occurs and report the accident to an aerodrome security officer as soon as reasonably practicable and in any event before leaving the aerodrome;
 - (v) failure by the driver of a vehicle to comply with any direction for the regulation of traffic given by an aerodrome security officer or a traffic sign;
 - (vi) parking a vehicle elsewhere than in a place provided for that purpose;
 - (vii) failure by the person in charge of a vehicle to remove it from any parking area when required to do so;
 - (viii) leaving or parking a vehicle in excess of the permitted time in an area where the period of waiting is restricted by notice;
- (s) soliciting funds or contributions of any kind or cause any annoyance to any person at the aerodrome;
- (t) leaving any baggage or other item unattended in a public place or security restricted area within the aerodrome;
- (u) being drunk or under the influence of drugs or other intoxicating substances in any part of the aerodrome;
- (v) organising or taking part in any demonstration, procession or public assembly likely to obstruct or interfere with the proper use of the aerodrome or obstruct or interfere with the comfort and convenience or safety of passengers or persons using the aerodrome;
- (w) removing from the aerodrome any baggage trolleys, wheelchairs and other disabled assistance devices provided for passenger use by the aerodrome;
- (x) misusing any baggage trolley, wheelchairs and other disabled assistance devices provided for passenger use by the aerodrome;
- (y) skateboarding or playing any ball game or other similar game which may cause a nuisance or annoyance;
- (z) failing to comply with any request by an aerodrome security officer to leave the aerodrome or any particular part thereof or to state name and address and the purpose of being on the aerodrome, provided that such aerodrome security officer shall provide written evidence of his authority if required to do so.

Acts for which permission is required

This e-version of the text is not authoritative for use in court.

6. The following acts are prohibited within the aerodrome without the prior permission of the aerodrome operator:

- (a) Knowingly entering or leaving the aerodrome otherwise than through a gate or entrance for the time being provided for that purpose;
- (b) knowingly entering any part of the aerodrome to which members of the public are not for the time being admitted;
- (c) driving on the airside without first obtaining a valid airside driving permit from the aerodrome security officer, unless that person is escorted at all times by the holder of such a permit;
- (d) selling or distributing anything, offering anything for sale or hire, or making any offer of services for reward;
- (e) affixing any sign or advertisement in the aerodrome or on any fence on the boundary of the aerodrome;
- (f) on parts of the aerodrome to which the road traffic enactments do not apply—
 - (i) leaving a vehicle on the aerodrome longer than is reasonably necessary for the transaction of the business for the purposes of which it was brought there;
 - (ii) driving a vehicle elsewhere than in a place provided for the passage or accommodation of such a vehicle; or
 - (iii) leaving a vehicle unattended while the engine is running;
- (g) filling or discharging from any container (including any part of a vehicle) liquid fuel elsewhere than in a place approved for that purpose by the aerodrome operator;
- (h) by any act or omission causing a fire to occur elsewhere than in a place provided for that purpose;
- (i) cleaning, servicing or maintaining aircraft, vehicles or equipment or running aircraft engines in areas other than those designated for the purpose;
- (j) playing a musical instrument;
- (k) erecting or using any apparatus for transmission, receipt, recording, reproduction or amplification of sound, speech or images in a manner which is likely to cause a nuisance or annoyance;
- (l) intentionally operating or using in such a way as to prejudice the operation of any communications, navigation or other systems at the aerodrome, any radio transmitter or other thing capable of radiating or generating electrical interference; or
- (m) intentionally operating a laser device in such a way as to prejudice the operation of any aircraft or vehicle at the aerodrome.

Motor vehicles

7. (1) No person shall operate any motor vehicle at the aerodrome otherwise than in accordance with the Road Traffic Ordinance, Cap. 101, unless otherwise prescribed by an aerodrome security officer, except in cases of emergency involving danger to life or property.

(2) No person shall park a motor vehicle on the aerodrome other than in a parking area designated for that purpose.

(3) If it appears to an aerodrome security officer that a vehicle has been parked or left by any persons in contravention of these Regulations on any part of the aerodrome, he may cause that vehicle to be removed in such manner and to such place on the aerodrome as he thinks fit.

Taxis, buses and rental cars

8. (1) No person shall without reasonable excuse, stand or park a taxi, bus or rental car on the aerodrome for the purpose of plying for hire or rent unless he has been authorised so to do by the aerodrome operator.

(2) No person shall ply for hire with a taxi or bus except in an area designated and marked for that purpose.

(3) No person shall leave his taxi or bus in an area designated in the manner referred to in paragraph (2) unless willing to be hired immediately.

(4) Taxi or bus drivers or owners of rental cars shall not without reasonable excuse obstruct any carriageway, footway or building or give reasonable cause for annoyance or disturbance to persons in the aerodrome.

(5) No person shall wash down or clean out a taxi, bus or rental car whilst it is on a standing.

(6) No person shall carry out any major maintenance or repairs on a taxi, bus or rental car whilst it is on a standing.

Driving at the aerodrome

9.⁸ (1) No person shall drive a motor vehicle at a speed in excess of—

(a) 15 miles per hour on the aerodrome apron, service road or taxiway;

(b) 50 miles per hour on the runway;

(c) 20 miles per hour on any other part of the airside area;

(d) such other speed limit as may by notice be designated from time to time by the Aerodrome Manager:

Provided that this paragraph does not apply in respect of any vehicle being driven in response to or in preparation for any emergency situation.

(2) No person who is under the influence of alcohol, drugs or other intoxicating substance shall drive or attempt to drive a vehicle at the aerodrome.

Lost Property

10. (1) These Regulations shall apply in relation to the safe custody, redelivery and disposal of any property or thing which, while not in proper custody, is found on any part of the aerodrome to which the public or passengers have access or in any vehicle owned or operated by or on behalf of the aerodrome operator, excluding any property or thing found on board an aircraft, in a taxi or on premises licenced by the aerodrome operator.

(2) Subject to the provisions of the Customs and Excise Ordinance, Cap. 145, any person (other than a member of staff of the aerodrome operator or an aerodrome security officer) who finds property to which these Regulations apply shall hand it as soon as reasonably practicable in the state in which he finds it to a member of staff of the aerodrome or an aerodrome security officer and inform that person of the place and circumstances in which it was found.

(3) Subject to any provisions of the Customs and Excise Ordinance, Cap. 145, and paragraph (4) below, any member of the aerodrome operator staff or an aerodrome security officer to whom property is handed pursuant to these Regulations, or who himself finds any property to which these Regulations apply, shall, as soon as reasonably practicable and in any

⁸ Regulation 9 amended by LN 10 of 2016

case before leaving the aerodrome, deliver such property for safe custody in the state in which it comes into his possession to the Lost Property Office at the aerodrome and inform a member of staff of the aerodrome or an aerodrome security officer at the Lost Property Office of the circumstances in which it was found.

(4) If, before any lost property shall have been delivered for safe custody to the Lost Property Office under these Regulations, it is claimed by a person who satisfies the member of staff of the aerodrome or an aerodrome security officer, as the case may be, that he is the true owner, it shall be returned to that person, forthwith, without charge, on giving his name and address to the member of staff of the aerodrome operator or aerodrome security officer who shall, as soon as possible, report the facts and give the claimant's name and address and a description of the lost property to the Lost Property Office.

(5) Any lost property delivered to the Lost Property Office shall be retained in safe custody by the aerodrome operator until claimed by the true owner thereof or disposed of in accordance with paragraph (7) and the aerodrome operator shall keep for a period of not less than 12 months a record showing particulars of the lost property (whether delivered to the Lost Property Office or disposed of pursuant to paragraph (7)), the circumstances in which it was found and the ultimate disposal of the lost property:

Provided that—

- (a) official documents, including licences, passports and alien identity books shall, wherever practicable, be returned forthwith to the appropriate government department, local authority or other body or person responsible for issuing them or for controlling or dealing with them;
- (b) where the name and address of the true owner of any lost property, other than the documents referred to in the preceding proviso, are readily ascertainable, the aerodrome operator or an aerodrome security officer shall forthwith notify the true owner that the lost property is in its possession and may be claimed in accordance with these Regulations.

(6) When any lost property is claimed while it is retained by the aerodrome operator and the claimant proves to the satisfaction of the aerodrome operator or an aerodrome security officer that he is the true owner and that all requirements of the Customs and Excise Ordinance, Cap. 145, if any, have been complied with in relation to such property, and gives his name and address to a member of staff of the Lost Property Office or an aerodrome security officer, such property shall thereupon be delivered to the claimant at the Lost Property Office and upon payment of such charge as the aerodrome operator may from time to time fix for the return of any lost property delivered to the Lost Property Office.

(7) The aerodrome operator may dispose of any lost property subject to the following conditions:

- (a) If any lost property retained by the aerodrome operator for safe custody in accordance with these Regulations is not, within six months of the date when it was delivered to the Lost Property Office, re-delivered to a person pursuant to paragraph (5), the aerodrome operator shall be entitled to sell it for the best price that can reasonably be obtained or, in the case of items of negligible value, to dispose of it as they think fit.
- (b) Notwithstanding the foregoing provisions of this Regulation, if any lost property retained by the aerodrome operator pursuant to this Regulation is of a perishable nature and if, within 48 hours from the time when it was found, it has not been re-delivered to a person pursuant to paragraph (5), the aerodrome operator shall be

entitled to sell it at the best price that can reasonably be obtained or otherwise dispose of it.

- (c) Notwithstanding the foregoing provisions of this Regulation, any lost property which is or which becomes objectionable may forthwith be destroyed or otherwise disposed of in a reasonable manner.

(8) Where any lost property is contained in a package, bag or other receptacle, an aerodrome security officer may cause such receptacle to be opened and the contents examined, or require the claimant to open it and submit it and its contents for examination, for the purpose of—

- (a) identifying and tracing the owner of the lost property;
- (b) ascertaining the nature of the contents; or
- (c) satisfying the aerodrome security officer or aerodrome operator that the contents do not include any item or items which may put at risk the safety or security of the aerodrome, any aircraft or any navigation installation,

and if any item or items referred to in paragraph (c) are found, they shall be handed to an aerodrome security officer immediately.

Penalties and power of arrest

11. (1) Any person who contravenes any of these Regulations is guilty of an offence for which the maximum penalty on conviction is a fine of £2,000 or imprisonment for a period of six months, or both.

(2) A police officer may arrest, without warrant, any person whom he has reasonable grounds to suspect is guilty of committing or attempting to commit an offence under these Regulations
