



AIR SAFETY SUPPORT INTERNATIONAL

THIRD CONSULTATION ADDITIONAL PROPOSALS TO AMEND THE AIR NAVIGATION (OVERSEAS TERRITORIES) ORDER 2013

Introduction

In September 2025, we submitted a final *Opinion and Instruction Document* to the UK Department for Transport (DfT) on our proposed amendments to the Air Navigation (Overseas Territories) Order 2013 [hereafter 'the Order'].¹

Since then we are now proposing three additional amendments that have come to light since we submitted those instructions. We are taking this opportunity prior to all the proposed amendments being finally laid before UK Parliament not before Spring 2027, to avoid the need for subsequent amendments once that Order is enacted.

Proposed amendment areas

In addition to the amendment areas proposed in the Opinion and Instruction, we are looking at changes in the following areas:

1. **Article 70 Balloons:** aiming to clarify the need for Governor permission for the operation of controllable balloons in free controlled flight.
2. **Article 73 Unmanned Aircraft Systems:** aiming to clarify the Governor's power to approve a register for unmanned aircraft, similar to what currently exists for manned aircraft.
3. **Article 175A Data Monitoring and Safety Management:** clarifying the requirement for a written request by the Governor to support the investigation of reportable occurrences.

For each of these areas, we propose below the amended text and provide an explanatory note of the rationale behind the change.

Consultation

We are undertaking a consultation for 30 days. Please provide comments to consultations@airsafety.aero by **20 November 2026**.

¹ See ASSI *Opinion & Instruction Document: Air Navigation (Overseas Territories) Order consolidation and amendment*, published 3 June 2026 (public version of original document submitted to DfT on 20 Aug 2025), available on <https://www.airsafety.aero/requirements-and-policy/consulting-you/legislation-for-consultation>.

A. Proposed amendments

Article number	Existing text	Proposed amendment	Rationale and notes
70	Balloons (1) This article applies to balloons within the Territory. (2) A balloon in captive or tethered flight must not be flown without the permission in writing of the Governor. (3) An uncontrollable balloon in released flight must not be flown in airspace notified for the purposes of this paragraph without the permission in writing of the Governor. (4) Except during the day and in visual meteorological conditions a controllable balloon must not be flown in free controlled flight— (a) within airspace notified for the purposes of this paragraph; or (b) within the aerodrome traffic zone of an aerodrome during the notified operating hours of that aerodrome. (5) A balloon when in captive flight must be securely moored and must not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings. (6) Except with the permission of the Governor, and in accordance with its conditions, a person must not cause or permit a group of small balloons exceeding 1000 in number to be simultaneously released at a single site. (7) For the purposes of this article ‘simultaneously released at a single site’ means the release of a specified number of balloons during a period not exceeding 15 minutes from within an area not exceeding 1 square km.	[Delete para 4] ~~(4) Except during the day and in visual meteorological conditions a controllable balloon must not be flown in free controlled flight—~~ ~~(a) within airspace notified for the purposes of this paragraph; or~~ ~~(b) within the aerodrome traffic zone of an aerodrome during the notified operating hours of that aerodrome.~~ [Replace with following text] <u>(4) A controllable balloon must not be flown in free controlled flight without the permission in writing of the Governor’.</u>	Para 2 requires Permission to fly a ‘balloon in captive or tethered flight’ and Para 3 requires Permission to fly ‘an uncontrollable balloon’, but whilst Para 4 lays down some limitations on flying a ‘controllable balloon’, there is no mention of permission being required for ‘controllable balloons’. This caused problems for the St Helena Met balloon trial project and we had to issue a Direction to control their use, whereas it would have been much easier to have issued a Permission with the appropriate ‘conditions’. The solution would be introducing a new paragraph stating: <i>‘A controllable balloon must not be flown in free controlled flight without the permission in writing of the Governor’.</i> This would replace the existing Para 4 text, since all conditions would be in the Permission.

Article number	Existing text	Proposed amendment	Rationale and notes
73	[Text resulting from previously consulted amendments submitted to DfT in ASSI's <i>Opinion & Instruction Document</i>, August 2025²] (1) The Governor may require that a person, who intends to operate an unmanned aircraft in the Territory, provide the Governor with such information regarding the purpose, scope, location and manner of operation as the Governor shall prescribe. (2) An unmanned aircraft may only be operated— (a) in accordance with— (i) the relevant specified operational category, conditions and rules specified in paragraphs (11), (12), (13) and (14); (ii) any regulations made by the governor; (iii) any instructions or directions issued by the Governor; (iv) any requirements published by the Governor; and (b) in such a manner as to minimise hazards to persons, property or other aircraft. (3) A person in charge of an unmanned aircraft may only fly the aircraft if satisfied the flight can be made safely and in accordance with any— (a) applicable airspace restrictions; (b) air traffic control conditions and instructions; and (c) Governor's instructions or directions in force. (4) A person must not cause any article to be dropped from an unmanned aircraft so as to endanger persons or property. (5) No person may act as the operator of an unmanned aircraft whilst under the influence of any psychoactive substance which renders that person unable to perform their duties or renders them a risk to the safety of other persons.	[Add new paragraph numbered as Para (1)] <u>(1) The Governor is the authority for the registration of unmanned aircraft in the Territory and may require that such a register is established in the Territory and maintained in legible form. The register shall provide the Governor with such information as the Governor shall prescribe.</u>	Aims to clarify the Governor's powers in relation to registration of unmanned aircraft, similar to manned aircraft set out in article 15.

² Opinion & Instruction Document, note 1 above, pp.2-3.

Article number	Existing text	Proposed amendment	Rationale and notes
	(6) Except with permission of the Governor, operators of unmanned aircraft must not fly the aircraft— (a) at a height of more than 400 feet above the surface; (b) within 400 feet of an open-air assembly of more than 400 persons; (c) within 90 feet of any person, other than the operator or any person immediately associated with the operation; (d) within 90 feet of any vehicle, vessel or structure which is not under the control of the operator; (e) within the boundary of an aerodrome; (f) in a prohibited or restricted area; (g) over an area where a fire, police or other public safety, humanitarian or emergency operation is being conducted, without approval of the person in charge of the operation; (h) beyond visual line of sight (VLOS) of the operator or person in charge of the unmanned aircraft; (i) with dangerous goods on board; (j) at night or in conditions other than visual meteorological conditions; or (k) on swarm operations. (7) An application for the grant of permission under paragraph (6) shall be made to the Governor in such form and with such information regarding the applicant and the proposed aircraft as the Governor specifies. (8) An application under paragraph 6 shall be granted on such terms and conditions as the Governor determines. (9) Other than in respect of operations specified in paragraph (6), the Governor may approve operations specified in paragraphs (11), (12), (13) or (14) in accordance with paragraph (10).		

Article number	Existing text	Proposed amendment	Rationale and notes
	(10) Application for permission under the Specific Category, Certified Category or International Certified Category shall require the completion of a risk assessment for the operation incorporating adequate and acceptable mitigating measures. (11) Open Category operations involve unmanned aircraft— (a) which have a maximum take-off weight of 25 kg or less; and (b) do not require permission under this article. (12) Specific Category operations involve unmanned aircraft— (a) which have a maximum take-off mass of 25 kg or less; and (b) which require permission under this article. (13) Certified Category operations involve unmanned aircraft— (a) which have a maximum take-off mass of 25kg or less; (b) require permission under this article; and (c) the Governor considers carry a safety risk such that the operation should be included in this category; or (d) which have a maximum take-off mass greater than 25kg. (14) For the purposes of this article— “maximum take-off mass” (MTOM) means the maximum unmanned aircraft mass, as defined by the manufacturer or builder, at which the unmanned aircraft can be operated or, if no such mass is defined, the mass of the aircraft at take-off; “operator” means the pilot or other person having the management or control of the operation of the aircraft; “unaided” means without the use of any equipment such as binoculars, telescopes, cameras or any such similar equipment, but does not include corrective lenses;		

Article number	Existing text	Proposed amendment	Rationale and notes
	“visual line of sight” (VLOS) means an unmanned aircraft operation during which the pilot is able to maintain continuous unaided visual contact with the unmanned aircraft, thereby allowing the pilot to control the flight path so as to minimise hazards to persons, property, obstacles or other aircraft; “swarm operations” means the operation of more than one unmanned aircraft controlled collectively rather than individually.		
175A	(1) The Governor may, by notice in writing, require any person referred to in article 174(4) to promptly provide such safety data as the Governor may require for the purposes of safety data monitoring, hazard identification and safety risk assessment. (2) For the purposes of this article, “safety data” means a defined set of facts or set of safety values from various aviation-related sources, which is used to maintain or improve safety. [NOTE: this article has been renumbered to Article 176 and amended, stemming from previously consulted amendments submitted to DfT in ASSI’s <i>Opinion & Instruction Document</i>, August 2025.³ The resulting text currently reads as follows: (1) The Governor may, by notice in writing, require any person referred to in article 174(4) to promptly provide such safety data as the Governor may require for the purposes of safety data monitoring, hazard identification and safety risk assessment. (2) The Governor shall establish a safety data collection and processing systems (SDCPS) consisting of a series of integrated processes and schemes to capture, store, aggregate, process and enable the analysis of safety data and safety information. (3) The Governor shall establish and maintain a process to analyse the safety data and safety information from the SDCPS and associated safety databases.	[Revise Para 1] (1) The Governor may, by notice in writing, require any person referred to in article 174(4) to promptly provide such safety data as the Governor may require for the purposes of safety <u>investigation</u>, safety data monitoring, hazard identification and safety risk assessment. [Add new paragraph after Para 2] <u>(3) Safety data which is subject to a written request by the Governor to support the investigation of reportable occurrences, must be made available within such time, by such means and contain such information as may be specified by the Governor in requirements published under article 5 and must be presented in such form as the Governor may in any particular case approve.</u>	ASSI have been experiencing issues with obtaining safety data to support investigations into reportable occurrences. Study of the Order text reveals that there appears to be no legal requirement to provide safety data within a specific timeframe but we believe that there should be. It is likely that each technical area will require differing periods within which they could reasonably expect this data to be provided. For example, in ATC, the process is usually quite quick and normally, we would expect to receive recordings, flight plans etc within a few days but Airworthiness and Flight Operations might require longer.

³ Opinion & Instruction Document, note 1 above, pp.3-4.

Article number	Existing text	Proposed amendment	Rationale and notes
	(4) The Governor shall accord protection to safety data captured by, and safety information derived from, voluntary safety reporting systems and related sources in accordance with the Governor's requirements. (5) The Governor shall not make available or use safety data or safety information collected, stored or analysed, in accordance with paragraphs (3) and (4) for purposes other than maintaining or improving safety, unless a court or other competent authority of the Territory determines that a principle of exception applies. (6) The Governor shall not be prevented from using safety data or safety information to take any preventative, corrective or remedial action that is necessary to maintain or improve aviation safety. (7) The Governor shall take necessary measures, improving the promotion of a positive safety culture, to encourage safety reporting through the systems referred to in paragraphs (2) and (3). (8) The Governor shall share safety matters of interest with other Territories or States, as appropriate. (9) Prior to sharing any safety information the Governor shall specify the level of protection and conditions upon which such information will be shared to ensure that, in relation to safety data, safety information and related sources— (a) an appropriate balance is struck between the need to maintain or improve aviation safety and the proper administration of justice; (b) appropriate protection measures are taken; and (c) aviation safety is maintained or improved. in accordance with specified requirements.		