



Opinion & Instruction Document

Title: Air Navigation (Overseas Territories) Order [‘the Order’] consolidation and amendment		Version/Date: Issue 3.00 (Public) – 3 June 2026
Headline policy objective: 1) To create an Order that brings together the 2013 Order with the seven amendments that have been made since; 2) To amend the Order to reflect agreed changes across the eight topic areas listed below; 3) To finalise the legal instruction [supplied separately] following all Order consultations which closed on 4 Aug 2025; and 4) To consider the Impact Assessment set out below.	Proposed action: Consideration by the Department for Transport (DfT) to adopt this OID along with the supplied drafting instructions with a view to laying a new Order at its earliest opportunity.	
	About this document This document is a public-facing version of the original Opinion & Instruction Document (OID) that was sent from ASSI to DfT on 20 Aug 2025. Please note that some material in that document may have been since been superseded/removed by policy decisions or proposed drafting alterations. Also note that some content has been deleted for confidentiality or legal reasons.	

A. Policy objectives

1. To create a consolidated Air Navigation (Overseas Territories) Order [hereafter ‘the Order’] that brings together its 2013 Order with the seven amendments that have been adopted since: see ‘Background’ below.
2. To amend the Order to reflect agreed changes across the following nine topic areas following policy development and consultation:
 - 2.1. **Clarifying various provisions in Part 1 – Powers and Duties:** changes to Interpretation, clarifying the legal status of the Overseas Territories Aviation Requirements (OTAR) and the role of Governor in collaborating with law enforcement agencies and other authorities in securing compliance/enforcement of the Order. It also reorders the sequence of provisions to more logical sequence.
 - 2.2. **Unmanned Aircraft Systems (UAS):** amendment/consolidation of article 73 to create a legal basis for specific regulations governing domestic and international operations of these aircraft, the latter adopting the new Part IV: International Operations – Remotely Piloted Aircraft Systems of Annex 6 (Aircraft Operations) to the Chicago Convention on International Civil Aviation (hereafter ‘the Convention’).
 - 2.3. **Psychoactive substances:** in response to a growing concern about the use of such substances by on-duty personnel engaged in safety critical activities, new requirements are imposed on employers such as approved Air Traffic Services organisations.
 - 2.4. **Safety data collection and protection:** new Part 22 to adopt the provisions of Chapter 5 of Annex 19 (Safety Management) to the Convention.
 - 2.5. **Search & Rescue (SAR):** new Part 24 to adopt the provisions of Annex 12 (Search & Rescue) to the Convention.
 - 2.6. **Documents & records:** minor amendments to article 172 to reflect the use of digital filing solutions via the ASSI data management systems such as Centrik.
 - 2.7. **Principal Place of Business:** minor amendments to article 94 to provide increased clarity in this area, to facilitate the regulation of Air Operator Certificate holders.
 - 2.8. **Amendments to Rules of the Air in Schedule 4:** we propose amendments to Visual Flight Rules (VFR) and for night operations.
3. To finalise the legal instruction [supplied separately] following the second Order consultation that closed on 4 August; and
4. To consider the Impact Assessment summarised in Section H below and set out in Appendix A.

B. Background

5. The Order establishes the legal basis for aviation safety in the Overseas Territories (OTs) and the role of their Governors to uphold these rules codified in OTARs published, maintained and enforced by Air Safety Support International (ASSI) on the Governors' behalf. The current Order was made in 2013 and amended seven times.¹ Its last amendment was made on 10 April 2024.²
6. ASSI and the UK Department for Transport (DfT) have intended since 2022 to produce an official consolidated Order encompassing these amendments plus revisions to align with more recent regulatory developments. These include accommodating Standards & Recommended Practices (SARPs) set out in the 19 Annexes of the Convention. Its Annex 12 (Search & Rescue) and Annex 19 (Data Protection) have not yet been fully complied with, as well as new provisions on international certified UAS operations to align with Annex 6 (Aircraft Operations) that is being adopted globally.

C. Legal powers relied upon to achieve the changes sought

7. Amendment to the Order pursuant to powers under section 60 of the Civil Aviation Act 1982.

D. Description/rationale of specific amendments agreed

8. This section details the rationale for each of the amending topic areas:

(i) Clarifying various provisions in Part 1 – Powers and Duties:

9. **Summary:** we have agreed several amendments to clarify the legal status of OTARs but also to clarify the importance of collaboration with OT authorities and other agencies. We also agreed to reordering the articles in this Part to form a better logical sequence as follows:
 - 9.1. Article 3: Interpretation: remains as numbered with some amendments and revised definition of 'OTAR';
 - 9.2. Article 4: Arrangements for giving effect to the Convention: moved from current article 7;
 - 9.3. Article 5: Regulations by the Governor: moved down from its current article 4 as a consequence of the above;
 - 9.4. Article 6: Designations by the Governor: remains as numbered, and with additional paragraph stressing collaboration with other agencies and authorities; and
 - 9.5. Article 7: Publication of requirements: moved down from its current article 5. Amendments to clarify roles, and new sub-paragraphs clarifying powers to suspend/revoke/vary approvals/permissions and on granting deviations against Order provisions.
10. **Rationale:** to strengthen the legal status of OTARs. The OTARs have been developed since 2003 under the Directions issued by the Secretary of State under section 6 to the Civil Aviation Act 1982 to the UK Civil Aviation Authority (UK CAA) to establish ASSI as the principal regulatory authority for the OTs.

(ii) Unmanned Aircraft Systems (UAS):

11. **Summary:** we have agreed a redrafting of existing article 73 to reflect the following features:
 - 11.1. describes the four categories of UAS aligned with the definitions adopted in the SARPs, based on aircraft weight combined with risks involved in the operations. This replaces the Order's existing 'small' and 'large' unmanned aircraft definitions.
 - 11.2. restrictions on the circumstances by which such aircraft should be operated, and the Governor's permissions and approvals for UAS operations, including application and granting. This minimises and simplifies the basic provisions in the existing Order so that the sector's needs can be met through the much more flexible OTARs as well as Governor's Regulations, Instructions and/or Directions.

¹ In addition to the last one referred to in Note 1, the amendment orders are as follows: UK SI 2014 No.2925 made 12 Nov 2014; UK SI 2014 No.3281 made 10 Dec 2014; UK SI No.1769 made 8 Oct 2015; and UK SI No.755 made 23 June 2021. For links to all these SIs, see <https://www.airsafety.aero/requirements-and-policy/legislation/anoto>

² The Air Navigation (Overseas Territories) (Amendment) Order 2024, UK Statutory Instrument (SI) 2024 No.384, 10 Apr 2024 <https://www.legislation.gov.uk/uksi/2024/384/made>

12. **Rationale:** international standards governing UAS operations that cross national borders have recently been established in SARPs set out in the new Part IV: International Operations – Remotely Piloted Aircraft Systems of Annex 6 to the Convention which must be transposed in the UK. However, given the geographic nature of the OTs, we have taken the view to prioritise rulemaking governing domestic operations, but with the ability to implement rules for international operations in accordance with the standards contained in the SARPs. We have minimised and simplified the basic provisions in the Order so that the sector’s needs can be met through the much more flexible OTAR Parts as well as Governor’s Regulations, Instructions and/or Directions.
13. This means the Order requires mandatory and legally binding provisions enabling the implementation of any national and international standards that are developed in the subordinate instruments and rules. These would be enforceable against any operator of such aircraft (whether domestic or foreign), as well as being subject to any criminal penalties. The Order must provide the legal basis from which any of those subordinate instruments such as OTAR Parts and Governor Instructions, Supplemental Rules of the Air (under article 67(2)), or Instructions can be implemented.
14. ASSI has recently finished consulting on a new OTAR Part 107 for domestic UAS operations to align with the article 73 amendments. We aim to issue the final version of OTAR 107 to correspond with the laying of this Order. Another new OTAR Part on international UAS operations to comply with Part IV of Annex 6 to the Convention is being developed and will be published thereafter in time for the deadline for UK transposition.

(iii) Psychoactive substances:

15. **Summary:** we have agreed the following amendments and new provisions in this area:
 - 15.1. Article 138 Requirement for approval for the provision of air traffic services: based on equivalent material used by the UK CAA. They provide the legal basis for the various provisions contained in the relevant OTAR Parts.
 - ATS provider must ensure that enough personnel, at all levels, to manage, support and provide safe aerodrome operations, maintenance and any associated training or assessment listed in the applicant’s aerodrome manual
 - Operating staff must not access aerodrome movement areas or aprons when any decrease in their medical fitness occurs which renders that person unable to safely perform their duties and/or makes that person a risk to the safety of any other person, property or asset
 - 15.2. New provision in article 178 Prohibition and prevention of use of psychoactive substances (to be renumbered as article 182):
 - New paragraph (4) covering persons operating an unmanned aircraft
 - New paragraph (5) covering persons working in movement areas such as refuelling, catering, baggage handling, aircraft marshalling, third-party contractors.
 - 15.3. New Article 148 Exercise of privileges of licences and provisional inability: again, based on equivalent material in the UK:
 - Licence holders shall not exercise the privileges of their licence when having doubts of being able to safely exercise the privileges of the licence.
 - Air traffic services providers may declare the provisional inability of the licence holder if they become aware of any doubt concerning the ability of the licence holder to safely exercise the privileges of the licence due to the licence holder being under the influence of psychoactive substances.
16. **Rationale:** these amendments stem from the expressed need to strengthen ASSI and Territory legal powers in this area to facilitate enforcement.

(iv) Safety data collection and protection:

17. **Summary:** we have agreed to Introduce a new Part 22 into the Order which comprises for now of a new article 176 requiring safety data collection and processing systems to capture, store, aggregate and enable analysis of safety data and safety information.
 - 17.1. safety data may not be used for purposes other than improving safety unless the Court or competent authority determines that an exception applies.

- 17.2. Governor shall not be prevented from using safety data/information to take preventive, corrective or remedial action to improve aviation safety.
 - 17.3. Governor empowered to take necessary measures to encourage safety reporting.
 - 17.4. safety data-sharing with other states if necessary, including provision on any conditions imposed on the shared data namely: balance between improving safety and administration of justice and protecting sources.
18. **Rationale:** these changes clarify and codify activities that are already undertaken, moreover better align with the SARPs in Annex 19, Chapter 5 (Safety Management) of the Convention.

(v) Search & Rescue (SAR):

19. **Summary:** we have agreed to introduce a new Part 24 comprising for now of a new article 180 covering SAR, including the following aspects:
- 19.1. Requiring the Governor to designate an organisation responsible for the establishment and 24-hour provision of a SAR service in the OT.
 - 19.2. Provisions on coordination with those of neighbouring states
 - 19.3. Provisions covering organizational training, development and exercises
20. **Rationale:** these amendments better codify the provisions of Annex 12 (Search & Rescue) to the Convention, and provide the legal basis for new requirements that are being developed.

(vi) Documents & records:

21. **Summary:** we have agreed to amend article 172 to facilitate validity of documents bearing an electronic or other digital signature.
22. **Rationale:** these amendments reflect and better codify practices that are already in use regarding digital filing solutions and on-line examinations, which will be supported by copies of documents loaded digitally via the ASSI data management systems such as Centrik.

(vii) Principal Place of Business:

23. **Summary:** we have agreed amendments to article 94 to provide increased clarity in this area to facilitate the regulation of Air Operator Certificate holders:
- 23.1. that the AOC holder must be 'incorporated and domiciled' and having its principal place of business in the Territory;
 - 23.2. that AOC is granted 'in accordance with the Governor's requirements';
 - 23.3. that the operator must establish 'an acceptable place in the Territory with acceptable arrangements for inspection of all operational, safety and security records';
 - 23.4. that an operator must establish 'a suitable, accessible place, and acceptable arrangements and appropriate facilities for inspection of aircraft and their continuing maintenance.'
24. **Rationale:** these amendments support the Government's efforts to clarify policies in this area.

(viii) Amendments to Rules of the Air in Schedule 4:

25. **Summary:** we have agreed a number of amendments to clarify aspects of VFR and night operations:
- 25.1. Clarifying the Visual Meteorological Conditions (VMC) visibility and distance from cloud minima in Rule 27 by introducing a table similar to what is found in other jurisdictions;
 - 25.2. Clarifying in Rule 28 on Flights outside controlled airspace the VMC visibility and distance from cloud minima from Rule 27 shall apply.
 - 25.3. Introducing to Rule 28A on VFR at night, in addition to the existing option of flying on Special VFR within a control zone, a series of standard conditions that must be met with respect to VMC and distance from cloud minima and the minimum safe altitudes
26. **Rationale:** these amendments better align with Annex 2 to the Convention on Rules of the Air, to introduce a common set of requirements across the OTs while still allowing Governors to impose additional rules as necessary, and to present this in a manner that is familiar to users from other jurisdictions such as the UK.

E. ICAO compliance

27. The following summarises the broad areas compliance with Annexes to the Convention. Specific references are contained in the drafting instructions [supplied to DFT separately].

Amendment topic area	ICAO SARPs as amendment driver
(i) Amendments to Part 1: Powers and Duties	Not driven by SARPs
(ii) UAS	Annex 6: Operation of Aircraft, Part IV: International Operations – Remotely Piloted Aircraft Systems
(iii) Psychoactive substances	Not driven by SARPs
(iv) Safety data collection and provision	Annex 19: Safety Management, Chapter 5: Safety data and safety information collection, analysis, protection, sharing and exchange
(v) Search & Rescue	Annex 12: Search and Rescue
(vi) Documents & records	Not driven by SARPs
(vii) Principal place of business	Not driven by SARPs
(viii) Rules of the Air	Annex 2: Rules of the Air

F. Affected law

28. No other legislation affected. These proposals will impact ASSI's OTARs which will be developed or amended accordingly following the revised Order coming into force.

G. Details of any consultation

29. The following consultation activity has been undertaken by ASSI:

- 29.1. Consultation 1: covering amendment topic areas (ii), (iii), (iv), (v), (vi) and (vii) undertaken January to April 2025. No comments received.
- 29.2. Consultation 2: covering amendment topic areas (i), (iii), (viii) undertaken May to August 2025. One comment received.
- 29.3. Two webinars covering all topic areas, held on 28 April 2025 (specifically targeted for OT Aviation Authorities, duration 1hr 23min, 22 attendees) and 29 April 2025 (all OT audiences, duration 1hr 40min, 52 attendees).

H. Impacts of proposed change

30. Those amendment topics that are assessed to have some impact on ASSI, OT Aviation Authorities and/or the regulated community, with details set out in Appendix A of this document.

Summary of proposal	Impact
(i) Clarifying various provisions in Part 1 – Powers and Duties: changes to Interpretation, clarifying the legal status of the OTARs, clarifying the role of Governor in collaborating with law enforcement agencies and other authorities in securing compliance/enforcement of the Order, and reordering the sequence of provisions to more logical sequence.	None – clarifies existing powers and duties and does not impose new requirements that are not already in place.
(ii) Unmanned Aircraft Systems (UAS): amendment/consolidation of article 73 to create a legal basis for specific regulations governing domestic and international operations of these aircraft.	None – provides legal basis for new OTARs that are being/be developed. Individual impact assessments will be conducted as part of consultation process for those OTARs.

Summary of proposal	Impact
(iii) Psychoactive substances: in response to a growing concern about the use of such substances by on-duty personnel engaged in safety critical activities, new requirements are imposed on employers such as approved Air Traffic Services organisations.	Minimal impact – see detailed Impact Assessment in Appendix A attached.
(iv) Safety data collection and protection: new Part 22 to adopt the provisions of Chapter 5 of Annex 19 (Safety Management) to the Convention.	None – provides national legal basis for practices that are already under way
(v) Search & Rescue (SAR): new Part 24 to adopt the provisions of Annex 12 (Search & Rescue) to the Chicago Convention.	None – provides legal basis for requirements that are being developed. Individual impact assessments will be conducted as part of consultation process for those new requirements.
(vi) Documents & records: minor amendments to article 172 to reflect the use of digital filing solutions via the ASSI data management systems such as Centrik.	None – provides national legal basis for practices that are already under way
(vii) Principal Place of Business: minor amendments to article 94 to provide increased clarity in this area, to facilitate the regulation of Air Operator Certificate holders.	None – clarifies existing requirements and provides legal basis for policy that is subsequently being developed by DfT
(viii) Amendments to Rules of the Air in Schedule 4: we propose amendments to VFR and for night operations.	Minimal impact – see detailed Impact Assessment in Appendix A attached.

Air Safety Support International
Submitted to DfT: 20 Aug 2025

Appendix A

Impact Assessment

Section 1

Title of Proposal	Amendments to the Air Navigation (Overseas Territories) Order 2013 as part of its proposed consolidation
Date of Assessment	14 August 2025
Proposed Commencement Date	When the consolidated AN(OT)O comes into force
Does the proposal impact the business from an Economic, Social, Safety or Environmental aspect?	See individual topic areas

Section 2

Summary of proposed amendments:

The submitted Opinion & Instruction Document sets out eight topics where amendments to the Air Navigation (Overseas Territories) Order [hereafter ‘the Order’] have been agreed. As indicated in that document’s Section I: Impacts of Proposed Changes, only two of those amendment topics were identified as having potential impact on regulators, operators and other persons/organisations within the regulated community:

1) Psychoactive substances

In response to a growing concern about the use of such substances by on-duty personnel engaged in safety critical activities, new obligations are imposed on relevant operators/employers of staff engaged in activities critical to aviation safety such as Air Traffic Services (ATS), aerodrome aircraft movement areas, handling of aircraft and vehicles, oversight of passengers, etc.

2) Amendments to Rules of the Air setting out VFR Night Operations

Amendment to bring the Overseas Territories (OT) Rules in this respect in alignment with similar rules in other jurisdictions such as the UK. This precludes the need for Governors to have to make separate regulations for their respective OT.

Section 3

Who is the proposal likely to affect? (include both internal and external).

1) Psychoactive substances

Internal: Air Safety Support International (ASSI) and OT Aviation Authority (OTAA) staff involved in developing requirements in these areas and ensuring their compliance by relevant operators. The increase on their workload and costs involved would depend on which option is followed.

External: relevant operators such as aerodrome operators, ATS organisations and AOC holders. The increase on their workload and costs involved would depend on which option is followed.

2) Rules of the Air Night VFR Operations

Internal: ASSI and OTAA staff involved in enforcing these rules.

External: OT and foreign flight crew and Territory ATS organisations complying with the rules.

Appendix A: Impact Assessment of Amendments to the Air Navigation (Overseas Territories) Order 2013 as part of its proposed consolidation

Section 4

Outline all the options that have been considered to address the issue, including 'do-nothing'.

1) Psychoactive substances:

- a. Do nothing: operators unable to enforce existing provisions.
- b. Amend the Order to support the development of detailed requirements: for all operators to enforce.
- c. Amend the Order with a basic legal obligation to ensure staff are fit to perform their duties: for operators to uphold and enforce in accordance with their own requirements.

2) Rules of the Air VFR Night Operations:

- a. Do nothing: Governors continue to set own night VFR rules accordingly.
- b. Amend the Order with basic OT-wide requirements: in addition to ability of Governors to set own additional requirements as necessary.

Section 5

For each option, outline the likely impact of the proposal. Include estimates of impacts and benefits and the assumptions used, indicating how these may change over time. Describe any impact that cannot easily be quantified and clearly identify the preferred option.

1) Psychoactive substances:

Option (a): The option of doing nothing in this area was considered untenable from a perspective of aviation safety. There is a growing concern about the use of such substances by on-duty personnel engaged in safety-critical activities and, absent of an equivalent in the OTs of the UK Aviation Offences Act and the Railways and Transport Safety Act, there is currently no legal requirement for operators to ensure that personnel engaged in such activities are adequately fit to perform their duties and are not under the influence of substances that could impair them. Although most operators already have systems and controls in place, the absence of a legal requirement to do this results in an uncertain application to all operators, which imposes obvious risks to aviation safety.

Option (b): This alternative but less preferred option entails the publishing of detailed requirements for all operators to take specific measures to ensure that personnel engaged in safety-critical activities are adequately fit to perform their duties. However, such detailed requirements would have to be appropriate for all operators and in all circumstances and include any substance that could impair their duties. This would impose a significant cost on:

- ASSI/OTAAAs: to develop such detailed requirements for all relevant OTARs. This would be a complex undertaking by or in close association with UK CAA medical experts and would have to encompass all possible situations and eventualities.
- Operators: would have to develop new internal systems and controls to comply with such requirements. Those operators with existing systems would have to assess and possibly significantly amend them if they differ from the new requirements.
- There would also be limitations under Criminal Law: unlike in the UK, there would be no legal power to assess compliance (eg they cannot impose blood or urine tests or conduct breathalysers) and use this as evidence for a criminal case.

Option (c) – preferred: This would involve setting out a basic legal obligation in the Order that operators as employers must ensure that all their staff engaged in safety critical activities must be fit to do so.

- This allows an appropriate degree of flexibility to suit the approach used in each Territory in this respect, the individual situation and avoids the need to create onerous systems and controls.
- Placing the emphasis on operators as employers allows employers to enforce these requirements in accordance with employment contracts made under employment law.

This option would still carry some impact, though considerable less than in option (b):

Appendix A: Impact Assessment of Amendments to the Air Navigation (Overseas Territories) Order 2013 as part of its proposed consolidation

- ASSI/OTAAAs: may still have to amend all relevant OTARs to include requirements that implement this high-level legal obligation, OTAAAs would have to enforce this
- Operators: those with existing systems and controls would have to ensure these meet these requirements and obligations, and those that do not would have to create and demonstrate them.
- Lack of harmonisation: this approach would result in differing approaches by Territory and operator. However the costs of such harmonisation as set out in Option (b) would far outweigh any benefits.

2) Rules of the Air VFR Night Operations:

Option (a): This status quo entails the Territories continuing to use the existing Rule 28A, subparagraph (b) of publishing “supplementary Rules of the Air made by the Governor under article 67(1) which are in force in the Territory”. This has resulted in a lack of harmonisation across the OTs on the rules for Night VFR, which imposes complexity on pilots who might otherwise be familiar with standard rules.

Option (b): This is our preferred option. In the case of Night VFR operations, an element of harmonisation across all OTs, and alignment with similar rules in other jurisdictions such as the UK, United States and the European Union carry a benefit to ASSI/OTAAAs but also flight crew (whether or not they are familiar with the OTs) and ATS organisations.

Section 6

Post-implementation evaluation of the change/introduction.

1) Psychoactive substances:

Post-implementation will involve aspects of Flight Operations including:

- A review of any requirements in the OTARs that are developed in accordance with these new obligations.
- A review of the difficulty operators have had in demonstrating compliance with the obligations and requirements.
- How well the implementation process has been adopted by both operators and OTAAAs.
- Maintaining effective oversight to monitor those operators.
- Feedback from the OTAAAs on the effects of the amendment.

2) Rules of the Air VFR Night Operations:

Post-implementation will involve aspects of Flight Operations including:

- A review of how many Territories have had to publish Supplemental Rules of the Air to meet additional needs not covered in the OT-wide rules.
- Feedback from the OTAAAs on the effects of the amendment.