



OVERSEAS TERRITORIES AVIATION REQUIREMENTS (OTARs)

Part 36

AIRCRAFT ENVIRONMENTAL STANDARDS

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Enquiries regarding the content of this publication should be addressed to:

Air Safety Support International
Floor 2
The Portland Building
25 High Street
Crawley
West Sussex
RH10 1BG

www.airsafety.aero

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Subpart A – General

36.1 Purpose

- (a) The requirements of this Part cover the certification standards relevant to the granting of Noise and Emission certificates for aircraft registered and operated in the Territory.
- (b) These Requirements are not in themselves Law. Failure to comply may not constitute an offence. However, the Requirements repeat or reproduce many of the provisions of the Air Navigation (Overseas Territories)(Environmental Standards) Order 2004 (as amended). Therefore, failure to comply with these Requirements may:
 - (1) constitute a breach of the Order; and
 - (2) result in proceedings for breaches of the Order; or
 - (3) result in the refusal of an application for renewal of a certificate or licence; or
 - (4) result in action to suspend or revoke a certificate or licence.
- (c) The Order details the legal obligations governing environmental protection. The Order specifies these obligations in rather general terms, therefore there is a provision in Article 135 to the Order which requires the Governor to publish Requirements to augment, amplify and detail more precisely the manner in which these obligations shall be met. The Requirements are the means by which the operator will be able to satisfy the Governor as to their fulfilment of their obligations in respect of the operation of an aircraft or their entitlement to hold a certificate or approval.
- (d) The issue of a certificate, licence or approval indicates only that the holder is considered competent to secure the safe operation of aircraft. The possession of such a document does not relieve the operator of an aircraft, or the pilot-in-command, from the responsibility for compliance with the Order and any other legislation in force. Neither does it relieve them of their responsibility for the safe conduct of any particular flight, as the ultimate responsibility for the safety of flight operations always rests with the operator and the pilot-in-command.
- (e) Other OTAR Parts may impinge upon activities conducted under this Part. In particular, Part 1 contains definitions which apply, unless otherwise stated, to all Parts. A full list of OTAR Parts, a description of the legislative structure and the place of OTARs and OTACs within it can be viewed on the ASSI website www.airsafety.aero.

Subpart B – Noise Certification

36.21 Applicability

- (a) Aircraft registered in the Territory to which the requirements of Volume 1 of Annex 16 are applicable shall not fly without a noise certificate issued by the Governor.
- (b) Aircraft that are not registered in the Territory to which the requirements of Volume 1 of Annex 16 are applicable shall not fly without a noise certificate issued by the State of Registry.

36.23 Application and grant of noise certificate

- (a) An applicant for a noise certificate shall furnish the Governor with the following information:
 - (1) the type and designation of the aircraft; and
 - (2) the aircraft serial number and registration mark; and
 - (3) a statement of any modifications incorporated for the purpose of compliance with the applicable noise certification standards; and
 - (4) the MTWA at which compliance with the applicable noise certification standards has been achieved; and
 - (5) references to flight manual supplements or revisions required for compliance with the applicable noise certification standards; and
 - (6) the Noise Certificate or a document attesting to noise certification issued by the NAA for the State that issued the certificate in compliance with the appropriate Standards of ICAO Annex 16 Volume 1.
- (b) The Governor shall grant or validate a noise certificate on being satisfied by evidence that the particular aircraft complies with the appropriate Standards of ICAO Annex 16 Volume 1.

36.25 Validity of noise certificate

- (a) The validity of a noise certificate issued by the Governor is subject to the aircraft continuing to comply with the noise certification standards against which the noise certificate was issued.
- (b) Major modifications that appreciably affect the noise characteristics of the aircraft may invalidate the noise certificate issued by the Governor unless:
 - (1) on application for the approval of the modification under OTAR Part 21.73, evidence is provided that the appropriate standards in paragraph 36.21 have been met; or

- (2) the Governor is satisfied with approved operational limitations that are contained in the aircraft flight manual that are required to maintain compliance with the appropriate noise certification standards in paragraph 36.21.
- (c) A Noise Certificate is valid until it is suspended, revoked or the aircraft has been removed from the Territory's register.

36.27 Recertification

- (a) If noise recertification is required, an application shall be made to the Governor.
- (b) The Governor may make any reasonable investigation and require specific testing of the aircraft.
- (c) compliance with paragraph 36.23 shall be demonstrated before any new certificate reflecting revised noise certification standards is granted.

36.29 Revocation and Suspension

- (a) The Governor may suspend or revoke the noise certificate if the holder of the certificate is unable to demonstrate compliance with the appropriate noise certification standards.
- (b) The holder of a revoked or suspended noise certificate shall surrender it immediately to the Governor.

Subpart C – Engine Emissions

36.51 Applicability

- (a) Aircraft registered in the Territory to which the requirements of Volume 2 of Annex 16 are applicable shall not fly unless the Governor has endorsed the Type Acceptance Certificate for the aircraft issued under OTAR Part 21, to the effect that emission certification standards are complied with.
- (b) Aircraft that are not registered in the Territory to which the requirements of Volume 2 of Annex 16 are applicable shall not fly within the Territory unless the aircraft is certificated to these standards.

36.53 Certification

- (a) An applicant for a Type Acceptance Certificate under OTAR Part 21 Subpart B shall provide sufficient evidence that the certification standards in paragraph 36.51 have been complied with.
- (b) The Governor shall endorse the applicable Type Acceptance Certificate upon being satisfied that the applicable emission standards have been complied with.

36.55 Non-compliance

- (a) Failure to comply with the standards specified in paragraph 36.51 may invalidate the aircraft's Certificate of Airworthiness.
- (b) Without prejudice to any invalidation described in paragraph 36.55(a), the Governor may suspend or revoke the aircraft's Certificate of Airworthiness in such circumstances.