

# International Air Services in the UK Overseas Territories

## *Background*

International air services operate under a legal framework that has the 1944 Convention on International Civil Aviation (the Chicago Convention) and its 18 technical annexes at its apex. The Convention established the International Civil Aviation Organisation (ICAO). The annexes to the Convention establish Standards and Recommended Practices (SARPs) that are the minimum levels of airworthiness and operational standards that airlines and their regulators should employ.

The right to operate scheduled services between two States is codified in treaties known as Air Services Agreements or Air Transport Agreements (“ASAs”). These Agreements are subject to the provisions of the Chicago Convention, consequently all relevant ICAO SARPS are applicable to such international flights (except where States have notified ICAO of a difference from any one or more of the SARPs).

The United Kingdom is the contracting State to the Chicago Convention on behalf of the United Kingdom of Great Britain and Northern Ireland, the Crown Dependencies and the Overseas Territories. Similarly the United Kingdom is the Contracting Party in Air Services Agreements for the UK, the Crown Dependencies and the Overseas Territories.

## **Role of UK Department for Transport**

The UK Department for Transport’s (DfT) role in this respect is to manage and implement ASAs and ICAO SARPs in the UK and its Overseas Territories. It manages ASAs by negotiating new ones and the modernisation of existing ones with the partner State, in consultation with stakeholders, and ensuring, where necessary, that any traffic rights that have been exchanged are made available to airlines from the UK Overseas Territories.

DfT is responsible for handling applications by foreign airlines to operate on a seasonal basis to/from **Anguilla**, the **British Virgin Islands** and **Montserrat**.

DfT consults Governments of the Overseas Territories (usually through the Governor’s Office) where traffic rights are sought by a foreign airline that are not available in an ASA, for example charter services, which are generally granted on an extra-bilateral and reciprocal basis.

The management and implementation of ICAO SARPs is largely dealt with as a safety issue and is handled by Air Safety Support International (ASSI) in the Overseas Territories.

## **Role of the Overseas Territories**

Applications for ad hoc flights, or for series of flights of less than two weeks duration, are handled by the local authorities in **Anguilla**, the **British Virgin Islands** and **Montserrat**. In such cases the Overseas Territories' authorities should seek the views of their stakeholders before considering granting permission to a foreign airline where the traffic rights are not available.

With respect to permit applications being dealt with by DfT (seasonal permits), the Department consults the Government of the Overseas Territory where extra-bilateral rights are sought by the foreign airlines. The Government of the Overseas Territory should in turn consult its aviation stakeholders and send a considered recommendation to DfT on whether the application should be granted or refused.

**Bermuda**, the **Cayman Islands** and the **Turks & Caicos Islands** have delegated powers to handle permit applications for all flights by foreign airlines.

## **Role of Air Safety Support International (ASSI)**

ASSI was established in 2003 as a not-for-profit, wholly-owned, subsidiary company of the UK Civil Aviation Authority, established under Directions from the DfT. The company's primary objective is to help provide a more cohesive system of civil aviation safety regulation in the Overseas Territories.

ASSI is responsible for supporting the Overseas Territories' existing authorities in the safety regulation of all aspects of civil aviation, including the licensing of personnel and the certification of aircraft, airlines, airports and air traffic control. ASSI can be designated by the Governor to perform the civil aviation regulatory tasks on behalf of the Governor in Overseas Territories where the civil aviation regulators do not have the resources to undertake the task themselves.

## ***Foreign Operator Permits***

Airlines ("foreign aircraft operators") require permission under Article 135 of the Air Navigation (Overseas Territories) Order 2007 before they can undertake flights for "valuable consideration" in the Overseas Territories.

As noted above, all aspects of the permit regime are dealt with locally in **Bermuda**, the **Cayman Islands** and the **Turks & Caicos Islands**.

**Anguilla**, the **British Virgin Islands**, and **Montserrat** only deal with permit applications for ad hoc flights and series of flights of up to two weeks duration.

**DfT** deals with applications by foreign airlines to operate in these Overseas Territories for any longer period of time, including seasonal permits.

### **The application procedure**

Application forms and guidance are available on the [DfT website](#). For each operating season the airline should complete the appropriate form and submit the required paperwork to the Department at least one month prior to the start of the operating season, preferably by e-mail, to the address shown on the form. Failure to complete the form in full and provide the necessary paperwork will delay consideration of the application.

The paperwork required is to ensure that the airline maintains minimum safety standards and has adequate passenger and third party insurance cover.

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