

ORDER IN COUNCIL

**IX
2010**

ratifying a Projet de Loi

ENTITLED

The Air Transport Licensing (Guernsey) (Amendment) Law, 2009

(Registered on the Records of the Island of Guernsey
on the 5th August, 2010.)



2010

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

5th day of August, 2010 before Sir Geoffrey Rowland, Bailiff; present:- Stephen Edward Francis Le Poidevin, David Osmond Le Conte, John Ferguson, Stephen Murray Jones, Peter Sean Trueman Girard, Niall David McCathie, Esquires, and Margaret Ann Spaargaren, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated 21st July, 2010, approving and ratifying a Projet de Loi entitled “The Air Transport Licensing (Guernsey) (Amendment) Law, 2009”, THE COURT, after the reading of the said Order in Council and after having heard Crown Advocate Robert Titterington, Contrôle Délégué thereon, ORDERED that the said Order in Council be registered on the records of this Island.



At the Court at Buckingham Palace

THE 21st DAY OF JULY 2010

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“In accordance with Your Majesty’s General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

“That, in pursuance of their Resolutions of 26th July 2006 and 17th July 2009, the States of Deliberation at a meeting on 27th October 2009 approved a *Projet de Loi* entitled the Air Transport Licensing (Guernsey) (Amendment) Law, 2009 and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction the Air Transport Licensing (Guernsey) (Amendment) Law, 2009, and to order that it shall have force of law in the Island of Guernsey.

“The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it”.

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Island of Guernsey and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty’s Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty’s Order and to proceed accordingly.

Judith Simpson

PROJET DE LOI

ENTITLED

The Air Transport Licensing (Guernsey) (Amendment) Law, 2009

THE STATES, in pursuance of their Resolutions of the 26th July, 2006^a and the 17th July, 2009^b, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

Amendment of 1995 Law.

1. The Air Transport Licensing (Guernsey) Law, 1995^c is amended as follows.
2. In section 1(a) for "the States Commerce and Employment Department ("the Board")"^d substitute "the licensing authority".
3. (1) In the provisions specified in subsection (2) for "the Board" substitute "the licensing authority"

^a Article XI of Billet d'État No. XIII of 2006.

^b Article XI of Billet d'État No. XVI of 2009.

^c Orders en Conseil Vol. XXXVI, p. 370.

^d The words "States Commerce and Employment Department" were substituted for "States Transport Board" by Ordinance XXXIII of 2003.

(2) The provisions are sections 2(1)(c), 5(1), 5(2)(a), 5(2)(b), 5(3), 5(4), 6(1), 6(3), 7(1), 7(1)(d), 7(1)(h), 7(2), 8(1), 8(2), 8(3), 9(1)(a)(ii), 9(1)(b), 9(2), 9(2)(a), 9(3), 10(1), 10(3)(a), 10(3)(b), 10(4), 10(5), 12(2), 13(1), 14(1), 14(6)(a), 16(1), 16(2), 16(3), 18 and 23(f).

4. In section 2(2)(a) for the words following "shall be signed" substitute "by or on behalf of the licensing authority".

5. In sections 7(1)(g), 9(2)(h) and 26 after "the Civil Aviation Act 1982," insert "the Aviation (Bailiwick of Guernsey) Law, 2008,".

6. In section 10(2)(a) for the words following "shall be signed" substitute "by or on behalf of the licensing authority".

7. In section 13(2)(a) for the words following "shall be signed" substitute "by or on behalf of the licensing authority".

8. In section 14(3) for "the President of the Board" substitute "the licensing authority".

9. In section 20(a) after "the uniform scale" insert "or such other amount as the States may determine by Ordinance".

10. In section 22(1) -

(a) in the definition of "appropriate authority" after "committee of the States" insert ", authority, person or body",

(b) in the definition of "Board" after "committee of the States" insert ", authority, person or body",

(c) in the definition of "CAA licence" after "the Civil Aviation Act 1982" insert "(and the States may by Ordinance amend this definition); and for the purposes of this Law a person shall be deemed to hold a CAA licence in respect of a flight to which this Law applies if the flight is one which is, or which may be, lawfully made in accordance with section 64 of that Act whether as extended to the Bailiwick of Guernsey or as it has effect in the United Kingdom",

(d) insert the following definition after the definition of "Guernsey air transport licence" -

"licensing authority" means the Director General of Utility Regulation or such other authority, person or body (including any committee of the States) as the States may by Ordinance appoint for the purposes of this Law,"

(e) in the definition of "permission granted by the Secretary of State" -

(i) for "article 88" substitute "article 80", and

(ii) after "the Air Navigation Order 1980" insert "or by the Secretary of State (or the Director of Aviation acting as his delegate) under section 1 of the Aviation (Foreign Aircraft Operations) (Bailiwick of Guernsey) Ordinance, 2009 (and the States may by Ordinance amend this definition)",

- (f) in the definition of "policy statement" after "the Board" insert "or by such other committee of the States, authority, person or body as the States may by Ordinance appoint for the purposes of this Law".

11. In section 25(1)(e) after "on the Board" insert ", on the licensing authority".

12. In section 25(4) after "on the Board" insert ", licensing authority".

13. In section 27 after "the Board" insert ", the licensing authority".

14. After section 27 insert the following section -

"Power to suspend operation of certain provisions."

27A. (1) The States may by Ordinance suspend, indefinitely or for a specified period, the operation of any provision set out in subsection (2).

(2) The provisions are sections 15 and 16 and any other provision of this Law relating to those sections. "

Citation.

15. This Law may be cited as the Air Transport Licensing (Guernsey) (Amendment) Law, 2009.

Commencement.

16. This Law shall come into force on the day appointed by Ordinance of the States.

K.H. TOUGH,
Her Majesty's Greffier.

LAW NOT YET IN FORCE

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