

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Airport Ordinance, 1950 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Recueil d'Ordonnances Tome X, p. 87; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the States Civil Service Board (Implementation) Ordinance, 1964 (Recueil d'Ordonnances Tome XIV, p. 4); the Airport (Amendment) Ordinance, 1974 (Recueil d'Ordonnances Tome XIX, p. 218); the Airport (Amendment) Ordinance, 1981 (Recueil d'Ordonnances Tome XXII, p. 144); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). See also the Offences (Fixed Penalties) (Guernsey) Law, 2009 (No. XV of 2010); the Airport (Amendment) Ordinance, 1981 (*supra*).

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(Made on 28th June, 1950.)

The Airport Ordinance, 1950

THE STATES, on the representations of the States Board of Administration, hereby order: –

Repeals.

1. The following Ordinances are hereby repealed –
 - (1) Ordonnance prescrivant des Règlements par rapport à l'Administration du Port Aérien de cette Île of the 29th day of April, 1939,
 - (2) Ordonnance portant Règlement pour l'Aérodrome des États (1939),
 - (3) Ordonnance concernant l'entrée sur l'Aérodrome des États of the 13th day of May, 1939,
 - (4) The Airport (Title of Commandant) Ordinance, 1948.

NOTE

In accordance with the provisions of the Airport (Amendment) Ordinance, 1981, section 3(2), with effect from 9th December, 1981, this Ordinance, when cited together with the Airport (Amendment) Ordinance, 1974 and the 1981 Ordinance, may be cited as the Airport Ordinances, 1950 to 1981.

Definitions.

2. In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"The Board" means the States [States' Trading Supervisory Board] [and includes any person authorised by the said Board to exercise any power or perform any duty vested in the said Board under any of the provisions of

this Ordinance],

[...]

"The Airport" means, in relation to the Island of Guernsey, the premises belonging to the States situate at La Villiaze and used from time to time for the landing and departure of aircraft or for purposes ancillary thereto, and in relation to the Island of Alderney, the premises used in that Island for the like purposes.

NOTES

In section 2,

the words in the first pair of square brackets in the definition of the expression "The Board" were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 12(b), Schedule 2, Part 8, with effect from 1st May, 2016;¹

the words in the second pair of square brackets in the definition of the expression "The Board" were inserted by the Airport (Amendment) Ordinance, 1981, section 1(a), with effect from 9th December, 1981;

the words omitted in square brackets were repealed by the Airport (Amendment) Ordinance, 1981, section 1(b), with effect from 9th December, 1981.²

The functions, rights and liabilities of the Public Services Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the States' Trading Supervisory Board and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 12(b), Schedule 2, Part 8, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.³

Orders of Commandant, etc.

3. The commander and every member of the crew of an aircraft which is within the airport shall carry out all reasonable orders or directions given to them by [the Board], and in the event of any refusal, neglect or unreasonable delay in carrying out such orders or directions, [the Board] may cause them to be carried out, and the expenses of carrying out such orders or directions and of making good any damage or loss occasioned by such refusal, neglect or delay shall be recoverable as a civil debt.

NOTE

In section 3, the words "the Board" in the first and second pairs of square brackets were substituted by the Airport (Amendment) Ordinance, 1981, respectively section 1(c) and section 1(d), with effect from 9th December, 1981.

Rubbish, etc. on airport.

4. (1) A person shall not, without the consent of [the Board], destroy any oil, rubbish or other matter in a manner liable to create a nuisance, or discharge any oil, or allow any oil to escape, or discard any rubbish or other matter, in or upon any part of the airport other than a place or receptacle intended for the reception thereof.

(2) In this section, the expression "oil", means oil of any description, and includes spirit produced from oil and oil mixed with water.

NOTES

In section 4, the words in square brackets were substituted by the Airport (Amendment) Ordinance, 1981, section 1(e), with effect from 9th December, 1981.

In accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 4 of this Ordinance may be discharged by payment of a fixed penalty.

Smoking.

5. (1) [The Board] may, at [its] absolute discretion, prohibit smoking in any part of the airport.

(2) Whenever [the Board] prohibits smoking in any part of the airport –

(a) there shall be kept exhibited in a conspicuous place in that part of the airport in such a manner as to bring it clearly to the notice of any person using the same, a

notice stating that smoking is prohibited in that part of the airport, and

- (b) no person shall smoke in that part of the airport in which smoking is stated by such notice to be prohibited.

NOTES

In section 5,

the words "T/the Board" in square brackets, wherever occurring, were substituted by the Airport (Amendment) Ordinance, 1981, section 1(e), with effect from 9th December, 1981;

the word "its" in square brackets has been substituted as a consequence of the amendments made by the Airport (Amendment) Ordinance, 1981, section 1(e), with effect from 9th December, 1981.

In accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 5 of this Ordinance may be discharged by payment of a fixed penalty.

Discharging firearms, etc.

6. A person shall not, without the consent of [the Board], discharge any firearm, airgun, rocket or firework in or over any part of the airport.

NOTE

In section 6, the words in square brackets were substituted by the Airport (Amendment) Ordinance, 1981, section 1(e), with effect from 9th December, 1981.

Unlawful use of airport.

7. A person shall not, knowingly and wrongfully, make use of or cause or permit another person to make use of any portion of the airport allocated by the Board for a special purpose for any other purpose or hinder the lawful use thereof by any other person.

NOTE

In accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 7 of this Ordinance may be discharged by payment of a fixed penalty.

Removal, etc. of obstructions.

8. [The Board] may effect the removal and storage of any object liable to create an obstruction or nuisance in any part of the airport, and, without prejudice to any other remedy, the expenses of removal and storage and of making good any damage caused by such object shall be payable by the owner thereof, and such owner shall not be entitled to claim any compensation from the Board, its officers or employees in respect of any damage resulting from such removal or storage.

NOTES

In section 8, the words in square brackets were substituted by the Airport (Amendment) Ordinance, 1981, section 1(e), with effect from 9th December, 1981.

In accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 8 of this Ordinance may be discharged by payment of a fixed penalty.

Admission to airport.

9. [The Board], may refuse to admit any person to the airport or may order any person to leave the airport if [it] considers such person likely to obstruct, impede or molest any person in the management of the airport or to cause annoyance or injury to persons using the airport.

NOTES

In section 9,

the words "The Board" in square brackets were substituted by the Airport (Amendment) Ordinance, 1981, section 1(f), with effect from 9th December, 1981;

the word "it" in square brackets has been substituted as a consequence of the amendments made by the Airport (Amendment) Ordinance, 1981, section 1(f), with effect from 9th December, 1981.

Embarkation of passengers, etc.

10. [The Board] may issue such orders as [it] shall consider necessary for controlling the embarkation and disembarkation of passengers, goods and merchandise at the airport, and for preventing overcrowding or disorder at the airport.

NOTES

In section 10,

the words "The Board" in square brackets were substituted by the Airport (Amendment) Ordinance, 1981, section 1(e), with effect from 9th December, 1981;

the word "it" in square brackets has been substituted as a consequence of the amendments made by the Airport (Amendment) Ordinance, 1981, section 1(e), with effect from 9th December, 1981.

Vehicles and animals.

11. (1) [The Board] may issue such orders as [it] shall consider necessary to control the movement and parking of vehicles within the airport.

(2) [The Board], may refuse the admittance of any animal or vehicle to the airport, and may require the removal of any animal or vehicle from the airport.

NOTES

In section 11,

the words in the first and third pairs of square brackets were substituted by the Airport (Amendment) Ordinance, 1981, respectively section 1(e) and section 1(f), with effect from 9th December, 1981;

the word "it" in the second pair of square brackets has been substituted as a consequence of the amendments made by the Airport (Amendment) Ordinance, 1981, section 1(e), with effect from 9th December, 1981.

The following Order has been made under section 11:

Guernsey Airport (Traffic) Order, 1985.

In accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 11 of this Ordinance may be discharged by payment of a fixed penalty.⁴

Explosives, etc.

12. A person shall not take any explosive or inflammable substance or article into the airport without the consent of [the Board], and any such substance or article shall, while within the limits of the airport, be kept stored in such place as [the Board] may direct.

NOTE

In section 12, the words in square brackets were substituted by the Airport (Amendment) Ordinance, 1981, section 1(e), with effect from 9th December, 1981.

Electrical or wireless apparatus.

13. A person shall not instal or use any electrical or wireless apparatus in the airport without the consent of [the Board]:

PROVIDED that [the Board] may at any time withdraw such consent.

NOTE

In section 13, the words in square brackets were substituted by the Airport (Amendment) Ordinance, 1981, section 1(e), with effect from 9th December, 1981.

Food for birds.

14. Any person who, on any part of the airport, feeds, or places food with a view to it being eaten by, birds, shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding [level 1 on the uniform scale].

NOTE

In section 14, the words in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect

from 1st July, 1989.

[Trespassing by persons.]

15. If any person trespasses on the airport, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding [level 1 on the uniform scale]:

PROVIDED that no person shall be liable to any penalty under this section unless it is proved that, at the material time, notices warning trespassers of their liability under this section were posted so as to be readily seen and read by members of the public, in such positions on or near the boundary of the aerodrome as appear to the Court to be proper.

NOTES

In section 15,

the words in square brackets in the marginal note thereto were substituted by the Airport (Amendment) Ordinance, 1974, section 1(a), with effect from 27th February, 1974;

the words in the second pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

In accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 15 of this Ordinance may be discharged by payment of a fixed penalty.

[Trespassing by animals.]

15A. (1) If any animal trespasses on the Airport, the owner of such animal or the person in charge of such animal or both such owner and such person shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 1 on the uniform scale].

(2) If any animal trespasses on the Airport, [the Board], may, without prejudice to any proceedings under the provisions of the last preceding subsection consequent upon such trespass, remove such animal and detain it in any place and the cost of taking such action shall be recoverable by the States from the

owner of such animal as a civil debt.]

NOTES

Section 15A was inserted by the Airport (Amendment) Ordinance, 1974, section 1(b), with effect from 27th February, 1974.

In section 15A,

the words in square brackets in subsection (1) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989;

the words in square brackets in subsection (2) were substituted by the Airport (Amendment) Ordinance, 1981, section 1(f), with effect from 9th December, 1981.

Penalties.

16. Any person acting in contravention of or failing to comply with any provision of this Ordinance or any order issued thereunder shall, unless a special penalty is provided in respect thereof, for each offence be liable to a fine not exceeding [level 1 on the uniform scale], or to imprisonment for a term not exceeding two months.

NOTE

In section 16, the words in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

Application.

17. This Ordinance shall apply to the Islands of Guernsey and Alderney.

Commencement.

18. This Ordinance shall come into force on the 1st day of July, 1950.

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(b), Schedule 2, paragraph 2(b), with effect from 6th May, 2004.

² Prior to their repeal, these words were amended by the States Civil Service Board (Implementation) Ordinance, 1964, section 1, Schedule, with effect from 29th January, 1964.

³ The functions, rights and liabilities of the Public Services Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in them, respectively, from the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(b), Schedule 2, paragraph 2(b), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

⁴ Previously, in accordance with the provisions of the Traffic Offences (Fixed Penalties) Ordinance, 1989, section 1, section 2 and Schedule 1, with effect from 1st May, 1989, any liability to conviction of offences against subsection (1) of section 11 may have been discharged by payment of a fixed penalty.