

ORDER IN COUNCIL

IV
1972

ENTITLED

The Civil Aviation Act 1971 (Channel Islands) Order 1972

(Registered on the Records of the Island of Guernsey
on the 25th day of April, 1972.)



1972.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 25th day of April, 1972, before John Henry Loveridge, Esquire, C.B.E., Deputy Bailiff; present:—Bertram Guy Blampied, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., Jean Le Pelley, Richard Alan Kinnersly, Esquires and Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Jurats.

The Deputy Bailiff having this day placed before the Court an Order dated the 22nd day of March, 1972, of the Counsellors of State in Council on behalf of Her Majesty, being authorised thereto by Letters Patent dated the 4th day of February, 1972, entitled "The Civil Aviation Act 1971 (Channel Islands) Order 1972" (S.I. 1972 No. 450), the Court, after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively, of which Order in Council the tenor followeth:—

 STATUTORY INSTRUMENTS

1972 No. 450

CIVIL AVIATION

**The Civil Aviation Act 1971 (Channel Islands)
Order 1972**

Made - - - - - 22nd March 1972
Coming into Operation—
for making orders and
regulations - - - 22nd March 1972
for all other purposes - 1st April 1972

At the Court of Saint James, the 22nd day of
March 1972

Present,

Her Majesty Queen Elizabeth The Queen
Mother

Her Royal Highness The Princess Anne

LORD PRESIDENT

EARL ST. ALDWYN

MR AMERY

CHANCELLOR OF THE DUCHY OF LANCASTER

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953(a), was pleased, by Letters Patent dated the fourth day of February 1972, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness The Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, His Royal Highness The Prince

(a) 1937 c. 16; 1943 c. 42; 1953 c. 1 (2 & 3 Eliz. 2).

Charles, Prince of Wales, Her Royal Highness The Princess Anne, Her Royal Highness The Princess Margaret, Countess of Snowdon, and His Royal Highness The Duke of Gloucester, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness The Prince Philip, Duke of Edinburgh, His Royal Highness The Prince Charles, Prince of Wales, Her Royal Highness The Princess Anne and Her Royal Highness The Princess Margaret, Countess of Snowdon, while absent from the United Kingdom:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Anne, being authorised thereto by the said Letters Patent and in exercise of the powers conferred by section 66 of the Civil Aviation Act 1971^(b) do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Civil Aviation Act 1971 (Channel Islands) Order 1972.

(2) This Order shall come into operation forthwith for the purpose of enabling orders and regulations to be made by virtue thereof and on 1st April 1972, for all other purposes.

(b) 1971 c. 75.

2.—In this Order the expression “the Channel Islands” means the Bailiwicks of Jersey and Guernsey and the territorial waters adjacent thereto.

(2) The Interpretation Act 1889^(a) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. The provisions of the Civil Aviation Act 1971 shall extend to the Channel Islands with the exceptions and modifications specified in the Schedule to this Order.

W. G. Agnew.

^(a) 1889 c. 63.

SCHEDULE

EXCEPTIONS AND MODIFICATIONS

PART I

EXCEPTIONS

Sections 3, 4, 6 to 18, 20, 26, 28, 30 to 34, 37 to 60, 61, 65 to 67, Schedules 2, 3, 4, 5, 6, 7, 8, 9.

PART II

MODIFICATIONS

1. Any reference to the Civil Aviation Act 1949(*b*) shall be construed as a reference to that Act as extended to the Channel Islands by the Civil Aviation Act (Channel Islands) Order 1953(*c*) (as amended by the Civil Aviation Act (Channel Islands) Order 1966(*d*)), any reference to the Civil Aviation (Licensing) Act 1960(*e*) shall be construed as a reference to that Act as extended to the Channel Islands by the Civil Aviation (Licensing) Act 1960 (Channel Islands) Order 1961(*f*) and any reference to the Civil Aviation Act 1971 shall be construed as a reference to that Act as extended to the Channel Islands by this Order.

2. In section 1, subsection (5) shall be omitted.

3. In section 2(*b*), the words from “the licensing of the provision” to the end of the paragraph shall be omitted.

(*b*) 1949 c. 67.

(*c*) S.I. 1953/393 (1953 I, p. 270).

(*d*) S.I. 1966/688 (1966 II, p. 1546).

(*e*) 1960 c. 38.

(*f*) S.I. 1961/574 (1961 I, p. 1260).

4. In section 5—

- (a) in subsection (2)(b), in relation to the Bailiwick of Jersey, the words “on summary conviction” shall be omitted;
- (b) subsection (3) shall be omitted.

5. In section 19—

- (a) in subsection (1) for the words “United Kingdom” there shall be substituted the words “Channel Islands”;
- (b) subsections (2) and (3) shall be omitted.

6. In section 21—

- (a) in subsection (2) for the words “United Kingdom” in the second place where they occur there shall be substituted the words “the Channel Islands”;
- (b) at the end of subsection (6) there shall be inserted the following words:—

“In this subsection any reference to the United Kingdom, except where the reference is to a United Kingdom national, shall include a reference to the Channel Islands.”.

- (c) in subsection (7) for the words “United Kingdom” there shall be substituted the words “Channel Islands”.
- (d) in subsection (8) in relation to the Bailiwick of Jersey the words “on summary conviction” shall be omitted.

7. In section 24—

- (a) in subsection (6) at the end there shall be inserted the words “as in force in the United Kingdom”;
- (b) in subsection (7) in relation to the Bailiwick of Jersey the words from “on summary conviction” to “conviction on indictment” shall be omitted.

8. In section 27, subsection (1) shall be omitted.

9. In section 29—

- (a) for references to the Secretary of State and a designated aerodrome there shall be substituted references to the Board (in the case of the Bailiwick of Guernsey) and to the Committee (in the case of the Bailiwick of Jersey) and an aerodrome respectively;
- (b) in subsection (2) for the words “give to the person managing the aerodrome” to the end of the subsection there shall be substituted the following words:—

“take such steps as may be necessary to secure that facilities for using the aerodrome are withheld to such extent as the Board or the Committee, as the case may be, may determine from aircraft of which the person aforesaid is the operator and from his servants”;

- (c) in subsection (3) the words following paragraph (b) shall be omitted;
- (d) in subsection (4)—
 - (i) in paragraph (c) the words “without prejudice” to “relevant aerodrome” shall be omitted;

(ii) in paragraph (d) for the words “the person managing an aerodrome” and “the aerodrome” there shall be substituted the words “the Board” or “the Committee”, as the case may be, and “an aerodrome” respectively;

(e) subsections (5) to (11) shall be omitted.

10. In section 35—

(a) in subsection (1) in paragraph (a) after the words “under this Act” there shall be inserted the words “or an aerodrome licence issued by the Committee or the Royal Court of Guernsey, as the case may be”;

(b) in subsection (1) in paragraphs (c), (d) and (ii) for the words “United Kingdom” there shall be substituted the words “the Channel Islands”;

(c) in subsection (1) at the end there shall be inserted the following words:—

“For references to aerodrome licences issued by the Authority there shall be substituted references to aerodrome licences issued—

(i) in the case of the Bailiwick of Jersey by the Committee;

(ii) in the case of the Bailiwick of Guernsey by the Royal Court of Guernsey”;

(d) in subsection (4)—

(i) in relation to the Bailiwick of Jersey, in paragraph (a) the words “on summary conviction” shall be omitted;

- (ii) in relation to the Bailiwick of Jersey in paragraph (b) the words from “on summary conviction” to “conviction on indictment” shall be omitted;
- (iii) for the words “United Kingdom” where they first appear there shall be substituted the words “Channel Islands”.

11. In section 36 in subsection (3) in relation to the Bailiwick of Jersey, the words from “on summary conviction” to “on indictment” shall be omitted.

12. In section 62 subsection (2) and reference in subsection (3) to section 26 shall be omitted.

13. In section 63—

- (a) the references in subsections (1), (3) and (4) to section 15 shall be omitted;
- (b) at the end of subsection (1) for the words from “and any statutory instrument” to the end of the subsection there shall be substituted the following words:—

“and any statutory instrument made by virtue of this subsection shall not come into force in the Bailiwick of Jersey or the Bailiwick of Guernsey until it has been registered by the Royal Court of Jersey or the Royal Court of Guernsey, as the case may be”.

- (c) subsection (2) shall be omitted.

14.—(1) In section 64 (1)—

- (a) the definitions of “accounting year”, “air navigation services”, “the Board”, “the

initial debt”, “land” and “subsidiary” shall be omitted;

(b) in the definition of “aerodrome” the references to section 14 (1) and Schedule 2 shall be omitted;

(c) to the definition of “Air Navigation Order” there shall be added the following words:—

“and shall include an Air Navigation Order as extended to the Bailiwick of Jersey or the Bailiwick of Guernsey as the case may be”.

(d) after the definition of “the Authority”, there shall be inserted the following definition:—

“the Board” means the Board of Administration of the States of Guernsey;”;

(e) after the definition of “cargo” there shall be inserted the following definition:—

“the Committee” means the Harbours and Airport Committee of the States of Jersey;”.

(2) For section 64 (2) there shall be substituted the following subsection:—

“For the purposes of this Act a hovercraft, that is to say, a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle, is not an aircraft.”.

15. In section 68, subsection (1) and, in subsection (2), the reference to section 16 of the Civil Aviation Act 1968(a) shall be omitted.

(a) 1968 c. 61.

16. In Schedule 10 all paragraphs except paragraph 5 shall be omitted.

17. In Schedule 11 there shall be omitted all references except to section 14 of the Civil Aviation Act 1949 and the Civil Aviation (Licensing) Act 1960.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends the provisions of the Civil Aviation Act 1971 with exceptions and modifications to the Channel Islands.

R. H. VIDELO,
Her Majesty's Greffier.