

ORDER IN COUNCIL

XXI

1973

ENTITLED

The Protection of Aircraft Act 1973 (Guernsey) Order 1973

(Registered on the Records of the Island of Guernsey
on the 15th day of November, 1973.)



1973.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 15th day of November, 1973, before Ernest Pattison Shanks, Esquire, Deputy Bailiff; present:—Bertram Guy Blampied, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavay, Esquires, Gilbert Carey de Jersey, Esquire, C.B., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Walter Francis Robin and Richard Alan Kinnersly, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 24th day of October, 1973, entitled "The Protection of Aircraft Act 1973 (Guernsey) Order 1973" (S.I. 1973 No. 1760), the Court, after having heard Her Majesty's Procureur 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

1973 No. 1760

CIVIL AVIATION

**The Protection of Aircraft Act 1973 (Guernsey)
Order 1973**

Made - - - - 24th October 1973

Coming into Operation - 24th November 1973

At the Court at Buckingham Palace

the 24th day of October 1973

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 27 (2) of the Protection of Aircraft Act 1973(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Protection of Aircraft Act 1973 (Guernsey) Order 1973 and shall come into operation on 24th November 1973.

2. In this Order the expression "Guernsey" means the Bailiwick of Guernsey including, unless the context otherwise requires, the territorial waters adjacent thereto.

3. The provisions of the Protection of Aircraft Act 1973 shall extend to Guernsey with such exceptions, adaptations and modifications as are specified in the Schedule hereto.

W. G. Agnew.

(a) 1973 c. 47.

SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO
THE PROTECTION OF AIRCRAFT ACT 1973

1. Subject as hereinafter provided and save where the context otherwise requires—

- (a) any reference to the Protection of Aircraft Act 1973, or to any other Act of Parliament shall be construed as a reference thereto as extended to Guernsey;
- (b) any reference to the United Kingdom shall be construed as a reference to Guernsey;
- (c) any reference to the Secretary of State shall be construed as a reference to the Board;
- (d) any reference to the manager of an aerodrome shall be construed as a reference to the Airport Commandant or, in his absence, any person acting as, or carrying out the duties of, the Airport Commandant;
- (e) any reference to a constable shall be construed as a reference to a police officer.

2. In section 1 (6) (b) for the words after “been an offence under” there shall be substituted the words “the law of any part of Guernsey if it had been committed in that part of Guernsey.”.

3. For section 1 (7) there shall be substituted the following provision:—

- “(7) In this section “act of violence” means—
- (a) any act done in any part of Guernsey which constitutes the offence of murder, attempted murder, manslaughter, culpable homicide or assault, or an offence

under the provisions of section 1 of the Law entitled "Loi par rapport aux Substances Explosives" registered on 15th September 1883 in that part of Guernsey where the act was done; and

(b) any act done outside Guernsey which, if done in any part of Guernsey, would constitute such offence in that part as is mentioned in the preceding paragraph."

4. In section 2 (5)—

(a) from paragraph (b) there shall be omitted the words "registered in the United Kingdom or";

(b) from paragraph (c) there shall be omitted the words "so registered or".

5. Section 3 (2) shall be omitted.

6. Section 4 (2), (3) and (4) shall be omitted.

7. Section 5 shall be omitted.

8. Section 6 shall be omitted.

9. In section 7 (2)—

(a) for the words "Great Britain" in both places where they occur there shall be substituted the word "Guernsey";

(b) for the words after the word "assault" there shall be substituted the words—

"or an offence under the provisions of section 1 of the Law entitled "Loi par rapport aux Substances Explosives" registered

on 15th September 1883 in that part of Guernsey where it was done or any act which involves—

- (i) the destruction or damage without lawful excuse of any property belonging to another where the person doing the act intends to destroy or damage such property or is reckless as to whether such property would be destroyed or damaged; or
- (ii) the destruction or damage without lawful excuse of any property whether belonging to the person doing the act or to some other person where the person doing the act—
 - (a) intends to destroy or damage any property or is reckless as to whether any property would be destroyed or damaged; and
 - (b) intends by the destruction or damage to endanger the life of another or being reckless as to whether the life of another would be thereby endangered.”.

10. For section 8 (1) there shall be substituted the following provision:—

“(1) The Board may, by notice served on any person who is the operator of one or more aircraft operating in Guernsey, require that person to inform the Board of the measures, of a description specified in the notice, which are being taken in respect of aircraft operating in Guernsey of which he is the operator for purposes to which this Part of this Act applies.”

11. For section 8 (3) there shall be substituted the following provision:—

“(3) Any such notice shall also require the person on whom it is served, after he has furnished to the Board the information required by the notice in accordance with subsection (1) of this section, to inform the Board if at any time—

- (a) any further measures, in respect of aircraft operating in Guernsey of which at that time he is the operator are taken for purposes to which this Part of this Act applies, either by way of alteration of, or addition to, the measures specified in any information previously furnished by him under this section or by way of applying any measures so specified to aircraft not comprised in the previous information, or
- (b) any measures taken as mentioned in that subsection or in paragraph (a) of this subsection are discontinued.”.

12. In section 9 (1) the words “registered or” shall be omitted.

13. Section 9 (2), (3) and (4) shall be omitted.

14. In section 9 (5) the words “registered or” and all the words following paragraph (c) shall be omitted.

15. In section 9 (7) the words “or subsection (2)” shall be omitted.

16. In section 11 (1) and (4) the words “registered or” wherever they occur shall be omitted.

17. In section 11 (1) for the words "that aerodrome" there shall be substituted the words "an aerodrome".

18. In section 11 (6) the words "or manager" shall be omitted in both places where they occur.

19. Section 12 (2) and (3) shall be omitted.

20. In section 12 (6) for the word "to" there shall be substituted the words "(4) and".

21. For section 13 (5) there shall be substituted the following provision:—

"(5) A direction shall not require anything to be done or not done at a place outside Guernsey."

22. Section 15 (3) and (4) shall be omitted.

23. In section 16 (1) paragraph (a) shall be omitted and paragraphs (b), (c) and (d) shall be renumbered (a), (b) and (c) and the word "other" shall be omitted.

24. In section 17 (1) the words "registered or" shall be omitted.

25. In section 18 (1) the figure "8" shall be omitted.

26. In section 18 (2) the words "and any reference" and all words thereafter shall be omitted.

27. In section 18 (3) the words "a notice under section 8 or" shall be omitted.

28. Section 18 (4) shall be omitted.

29. In section 18 (5)—

- (a) for the words “the authority responsible for one or more navigation installations” there shall be substituted the words “the Airport Commandant”;
- (b) in paragraph (a) for the word “it” there shall be substituted the words “the Board”.

30. In section 19 (2) for the words “the aerodrome” where they first occur there shall be substituted the words “an aerodrome”.

31. In section 19 (3) (a) the words “and, where the direction was given to the authority responsible for the air navigation installation, as if it had been given to the manager of that aerodrome” shall be omitted.

32. Section 19 (4) shall be omitted.

33. In section 22 (1) the words “or the authority responsible for an air navigation installation” shall be omitted and for the words “that air navigation installation” there shall be substituted the words “an air navigation installation”.

34. In section 22 (4) the brackets and the words enclosed therein shall be omitted.

35. For section 23 there shall be substituted the following provisions:—

“23.—(1) The Board with the approval of the States Advisory and Finance Committee may, out of General Revenue, reimburse to any person who is the operator of one or more aircraft operating in Guernsey, the whole of any expenses which, for

purposes to which Part II of this Act applies, may at any time after the commencement of this Act be incurred by that person in relation to those aircraft whether the expenses are incurred in consequence of a direction given under Part II of this Act or not.

(2) For the purposes of this section any expenses incurred in paying compensation under section 22 of this Act shall be treated as being expenses incurred as mentioned in the last preceding subsection."

36. Section 24 shall be omitted.

37. In section 26 (1)—

(a) for the definition of "aerodrome" there shall be substituted the following definition:—

"aerodrome" means the aggregate of the land, buildings and works comprised in—

- (a) as respects the Island of Guernsey, the Guernsey Airport;
- (b) as respects the Island of Alderney, the Alderney Airport;

(b) in the definition of "aircraft registered or operating in the United Kingdom" for the words before "for the time being allocated" there shall be substituted the words "aircraft operating in Guernsey" means any aircraft which is';

(c) after the aforesaid definition there shall be inserted the following definition:—

"the Alderney Airport" means the premises for the time being licensed by the Royal Court of Guernsey and being used in

the Island of Alderney for landing and departure of aircraft or for purposes ancillary thereto;’;

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

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

- (e) the definition of “constable” shall be omitted;

- (f) after the definition of “firearm” there shall be inserted the following definition:—

“the Guernsey Airport” means the premises for the time being licensed by the Royal Court of Guernsey and belonging to the States of Guernsey and situate at La Villiaze and used from time to time for the landing and departure of aircraft or for purposes ancillary thereto;’;

- (g) the definition of “manager” shall be omitted;

- (h) after the definition of “operator” there shall be inserted the following definition:—

“police officer” means—

- (a) in relation to the Islands of Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey, and within the limit of his jurisdiction, a member of the special constabulary of the Island of Guernsey;

- (b) in relation to the Island of Alderney, a member of the said police force and a member of any police force which may be established by the States of Alderney;

any reference in the relevant section to a direction or to compliance with a direction shall be construed as if subsection (6) of section 13 of this Act were omitted.

4.—(1) Any dispute arising under the relevant section or under this Schedule, whether as to the right to any compensation or as to the amount of any compensation, or otherwise, shall be referred to and determined by two arbitrators one of whom shall be appointed by the Board and the other by the person claiming the compensation save that if an arbitrator is not appointed by the person claiming the compensation then he shall be nominated by the Board and any arbitrator so nominated shall be deemed to be the arbitrator appointed by the person claiming the compensation.

(2) Arbitrators appointed as aforesaid shall, before commencing to determine any matter referred to them under this paragraph, nominate an umpire who shall determine the matter if the arbitrators disagree.

(3) The arbitrators or umpire, as the case may be, may refer to the Royal Court sitting as an Ordinary Court, any question of law, or of law mixed with fact arising in connection with any matter referred to them or him in such manner and within such time as may be prescribed by Order of the Royal Court.

(4) Subject to the provisions of the last preceding sub-paragraph, the decision of the arbitrators or of the umpire, as the case may be, shall be final.”

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends the provisions of the Protection of Aircraft Act 1973 to Guernsey with exceptions, adaptations and modifications.

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