
STATUTORY INSTRUMENTS

1992 No. 973

UNITED NATIONS

The Libya (United Nations Prohibition of Flights) Order 1992

To be laid before Parliament

Made - - - - *8th April 1992*

Coming into force - - *15th April 1992*

Whereas under Article 41 of the Charter of the United Nations the Security Council of the United Nations have, by a resolution adopted on 31st March 1992, called upon Her Majesty's Government in the United Kingdom and all other States to apply certain measures to give effect to a decision of that Council in relation to Libya;

Now therefore Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement, operation and extent

1.—(1) This Order may be cited as the Libya (United Nations Prohibition of Flights) Order 1992 and shall come into force on 15th April 1992.

(2) If, after the making of this Order, the Security Council of the United Nations takes a decision which has the effect of cancelling, suspending or postponing the operation of the resolution adopted by it on 31st March 1992, this Order shall cease to have effect or its operation shall be suspended or postponed, as the case may be, in accordance with that decision; and particulars of that decision shall be published by the Secretary of State in a notice in the London, Edinburgh and Belfast Gazettes.

(3) This Order shall extend to the United Kingdom, the Channel Islands and the Isle of Man.

Interpretation

2. In this Order the following expressions have the meanings hereby respectively assigned to them, that is to say—

“body corporate” includes a Scottish partnership and, in relation to such a partnership, any reference to a director or other officer of a body corporate is a reference to a partner;

“commander”, in relation to an aircraft, means the member of the flight crew designated as commander of the aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

“operator”, in relation to an aircraft, means the person for the time being having the management of the aircraft.

Prohibition of Flights

3.—(1) Except with the permission of the Secretary of State granted under this article no aircraft, wherever registered, shall take off from, land in or fly over the territory of the United Kingdom or any other place to which this Order extends, if its destination is, or if it has taken off from, Libya.

(2) If any aircraft is used in contravention of the provisions of this article, then the operator and the commander of the aircraft shall be guilty of an offence against this Order.

Penalties and proceedings

4.—(1) Any person guilty of an offence against this Order shall be liable—

- (a) on conviction on indictment (or in the Isle of Man, on information) to imprisonment for a term not exceeding two years or to a fine or to both; or
- (b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both; or
- (c) on conviction in the Bailiwick of Jersey to imprisonment for a term not exceeding two years or to a fine or to both.

(2) Where any body corporate is guilty of an offence against this Order, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

- (a) Notwithstanding anything in section 331 of the Criminal Procedure (Scotland) Act 1975(2)summary proceedings in Scotland for an offence against this Order may be commenced at any time within 12 months after the date on which evidence sufficient in the Lord Advocate’s opinion to justify the proceedings came to his knowledge; and subsection (3) of that section applies for the purpose of this paragraph as it applies for the purpose of that section:

Provided that such proceedings shall not be commenced after the expiration of 3 years from the commission of the offence.

- (b) A certificate signed by the Lord Advocate or on his behalf and stating the date on which such evidence came to his knowledge shall be conclusive evidence of that fact; and a certificate purporting to be so signed shall be presumed to be so signed unless the contrary is proved.

(4) Proceedings against any person for an offence against this Order may be taken before the appropriate court in the United Kingdom or in any place to which this Order extends, having jurisdiction in the place where that person is for the time being.

(5) No proceedings for an offence against this Order shall be instituted in England, Wales, Northern Ireland, the Isle of Man or the Bailiwick of Jersey, except by the Secretary of State or with the consent of the Attorney General or, as the case may be, the Attorney General for Northern Ireland or the Isle of Man or the Bailiwick of Jersey:

Provided that this paragraph shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

Exercise of powers of the Secretary of State

5.—(1) The Secretary of State may, to such extent and subject to such restrictions and conditions as he may think proper, delegate or authorise the delegation of any of his powers under this Order to any person, or class or description of persons, approved by him, and references in this Order to the Secretary of State shall be construed accordingly.

(2) Any permissions granted under this Order may be either general or special, may be subject to or without conditions, may be limited so as to expire on a specified date unless renewed and may be varied or revoked by the authority that granted them.

G. I. de Deney
Clerk of the Privy Council

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the United Nations Act 1946, implements a decision of the Security Council of the United Nations in Resolution No. 748 of 31st March 1992 by prohibiting aircraft from taking off from, landing in or overflying the United Kingdom, the Channel Islands or the Isle of Man, if they are destined for, or have taken off from, Libya.