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SCHEDULES

SCHEDULE 1

PRE-CONSOLIDATION AMENDMENTS

Amendments of the Civil Aviation Act 1949

- 4 (1) In section 8 of the Act of 1949 (Air Navigation Orders)—
- (a) in subsection (4), for the words from " thereof " to " taking " there shall be substituted the words "thereof, provide—
 - “(a) subject to subsection (4A) of this section, for persons to be guilty of offences in such circumstances as may be specified in the Order and to be liable on conviction of those offences to such penalties as may be so specified; and
 - (b) in the case of a provision having effect by virtue of paragraph (1) of subsection (2) of this section, for the taking ; and”
 - (b) after subsection (4) there shall be inserted the following subsections—
 - “(4A) The power conferred by virtue of subsection (4)(a) of this section shall not include power—
 - (a) to provide for offences to be triable only on indictment;
 - (b) to authorise the imposition, on summary conviction of any offence, of any term of imprisonment or of a fine exceeding the statutory maximum ;
 - (c) to authorise the imposition, on conviction on indictment of an offence, of a term of imprisonment exceeding two years.
 - (4B) In subsection (4A) above ' the statutory maximum ' means—
 - (a) in England and Wales and Northern Ireland, the prescribed sum within the meaning of section 32 of the Magistrates' Courts Act 1980 (that is to say, £1,000 or another sum fixed by order under section 143 of that Act to take account of changes in the value of money); and
 - (b) in Scotland, the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975 (that is to say, £1,000 or another sum fixed by order under section 289D of that Act for that purpose);and for the purposes of the application of this definition in Northern Ireland the provisions of the Magistrates' Courts Act 1980 which relate to the sum mentioned in paragraph (a) above shall extend to Northern Ireland.”.
- (2) For the purposes of any Order in Council made at any time before the coming into force of sub-paragraph (1) above, it is hereby declared that at all material times the

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power conferred by virtue of subsection (4) of the said section 8 has included power to provide—

- (a) for offences triable only summarily ; and
- (b) for maximum fines and maximum periods of imprisonment of less than the maximums specified in that subsection.

5 In section 9 of the Act of 1949 (control of aviation in time of war or emergency)—

- (a) in subsection (1), for the words " this Act" there shall be substituted the words " any enactment relating to civil aviation "; and
- (b) in subsection (3), for the words from " principles " to " shall, with" there shall be substituted the words " principles of the Land Compensation Act shall, with " and at the end of that subsection there shall be added the words—

“In this subsection ' the Land Compensation Act'—

- (a) in relation to England and Wales, means the Land Compensation Act 1961 ;
- (b) in relation to Scotland, means the Land Compensation (Scotland) Act 1963 ; and
- (c) in relation to Northern Ireland, means the Acquisition of Land (Assessment of Compensation) Act 1919.”.

6 In section 10 of the Act of 1949 (investigation of accidents), in subsection (2)(d), the words " this Part of this Act or " shall be omitted, and after the word " licence ", in the second and third places where it occurs, there shall be inserted the words " or certificate ".

7 Subsections (6) and (8) of section 19 of the Act of 1949 (power of local authority to appropriate and dispose of land and to borrow for the purposes of section 19) shall cease to have effect.

8 In section 23 of the Act of 1949—

- (a) subsection (1) (which confers power on the Secretary of State to acquire land under the Military Lands Acts for civil aviation purposes) shall cease to have effect; and
- (b) in subsection (7) (enforcement of certain rights in land), the words from " This subsection shall" onwards shall be omitted; and
- (c) subsections (8), (9) and (10) (which provide for the application of certain enactments to land vested in the Secretary of State) shall cease to have effect.

9 In section 28 of the Act of 1949 (power to stop up and divert highway)—

- (a) in paragraph (a) of subsection (7) (Scottish adaptations), for the words " county or town " there shall be substituted the words " regional, islands or district ";
- (b) in paragraph (d) of subsection (8) (Northern Irish adaptations), for the words " the said subsection " and the words " the said Act" there shall be substituted respectively the words " the said Article 53 " and the words " the said Order ".

10 Subsections (2) and (6) of section 31 of the Act of 1949 (which relate to displacements from land in Northern Ireland) shall cease to have effect.

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- 11 In subsection (5)(a) of section 33 of the Act of 1949 (registration of certain rights and instruments in Northern Ireland)—
- (a) for the words " Local Registration of Title (Ireland) Act 1891 " there shall be substituted the words " Land Registration Act (Northern Ireland) 1970 "; and
 - (b) the words " under subsection (2) of section eighty-one of the said Act" shall be omitted.
- 12 Section 36 of the Act of 1949 (which provides for the compensation of officers in connection with the acquisition of an aerodrome by the Secretary of State) shall cease to have effect.
- 13 In subsection (1) of section 40 of the Act of 1949 (liability for trespass, etc.), for the words from " Part II and" onwards there shall be substituted the words " any Orders in Council under section 8 of this Act and of any orders under section 9 of this Act are duly complied with and there has been no breach of section 11 of this Act ".
- 14 In section 55 of the Act of 1949 (registration of births and deaths on aircraft), in subsections (1)(a) and (9)(a) for the words " Great Britain and Northern Ireland" there shall be substituted the words " the United Kingdom ".
- 15 After section 62 of the Act of 1949 there shall be inserted the following section—

“62A Offences by bodies corporate.

- (1) Where an offence under section 24(8), 25(4), 29(2) or 55 of this Act which has been committed by a body corporate 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 be liable to be proceeded against and punished accordingly.
 - (2) Where the affairs of a body corporate are managed by its members, the preceding subsection shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.”.
- 16 In section 63(1) of the Act of 1949 (interpretation)—
- (a) for the definition of " land " there shall be substituted the following definition—
 - “ land ' has the same meaning as, by virtue of Schedule 1 and paragraph 4 of Schedule 2 to the Interpretation Act 1978, it has in an Act passed on or after 1st January 1979 ;”
 - (b) in the definition of " local authority " at the end there shall be inserted the words " and, in relation to Northern Ireland, a district council established under the Local Government Act (Northern Ireland) 1972 ";
 - (c) before the definition of " owner " there shall be inserted the following definitions—
 - “ modifications ' includes additions, omissions and amendments, and ' modify' shall be construed accordingly ;
 - ' operator', in relation to an aircraft, has the same meaning as in the Civil Aviation Act 1971 ;”and
 - (d) the definition of "purposes of civil aviation" shall be omitted.

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- 17 For subsection (4) of section 65 of the Act of 1949 (modification of references to Lands Tribunal in application of Act to Northern Ireland) there shall be substituted the following subsection—
- “(4) In the application of this Act to Northern Ireland any reference to the Lands Tribunal shall be construed as a reference to the Lands Tribunal for Northern Ireland.”.
- 18 In paragraph 9 of Schedule 1 to the Act of 1949 (application of provisions relating to land compensation), for the words from " provisions " onwards there shall be substituted the words
- “provisions of the Land Compensation Act shall have effect accordingly.
- In this paragraph ' the Land Compensation Act'—
- (a) in relation to England and Wales, means the Land Compensation Act 1961 ;
 - (b) in relation to Scotland, means the Land Compensation (Scotland) Act 1963 ; and
 - (c) in relation to Northern Ireland, means the Acquisition of Land (Assessment of Compensation) Act 1919.”.
- 19 In sub-paragraph (6) of paragraph 2 of Schedule 4 to the Act of 1949 (power to apply certain provisions), the words from " including " onwards shall be omitted.
- 20 In paragraph 2 of Schedule 8 to the Act of 1949 (fixing etc. of security in respect of patent claim involving a detained aircraft), for the words from " fixed " onwards there shall be substituted the words " fixed by the Secretary of State or some person duly authorised on his behalf ; and payment thereof shall be made or secured to the Secretary of State in such manner as the Secretary of State shall approve. ".
- 21 In paragraph 1(2) of Schedule 11 to the Act of 1949 (modifications of section 143 of the Public Health Act 1936 in relation to the Secretary of State's aerodromes), for paragraphs (a) and (b) there shall be substituted the following paragraphs—
- “(a) in subsection (1) the proviso shall be omitted ;
 - (b) in subsection (3) for the words from ' shall specify' to ' executed' there shall be substituted the words ' may provide for their enforcement and execution by officers designated for that purpose by the Secretary of State' and paragraphs (i) and (ii) of the proviso shall be omitted ; and
 - (c) in subsection (4) for the words ' Authorised officers of any such authority' there shall be substituted the words ' Officers designated as aforesaid'.”.