

SCHEDULES

SCHEDULE 1

Section 4(1) and (2).

PRE-CONSOLIDATION AMENDMENTS

Power to extend enactments relating to civil aviation outside the United Kingdom

- 1 (1) Section 30 of the Civil Aviation Act 1980 (power to extend Act outside the United Kingdom) shall apply, as it applies to that Act, to—
- (a) the Act of 1949 ;
 - (b) the Civil Aviation (Eurocontrol) Act 1962 ;
 - (c) the Tokyo Convention Act 1967 (except section 4) ;
 - (d) sections 16 and 17 of the Civil Aviation Act 1968 ;
 - (e) the Act of 1971 ; and
 - (f) the Civil Aviation Act 1978.
- (2) Accordingly, sections 66 and 67 of the Act of 1949, section 9 of the said Act of 1962, sections 16(3) and 17(3) of the said Act of 1968, paragraph (a) of section 66(1) of the Act of 1971 and subsections (4) and (5)(b) of section 16 of the said Act of 1978 shall cease to have effect; and section 8 of the said Act of 1967 shall apply only in relation to the said section 4.
- (3) The preceding provisions of this paragraph shall not affect the law in force in any country or territory which is outside the United Kingdom and is not a relevant overseas territory for the purposes of subsection (1) of section 30 of the Civil Aviation Act 1980.

Criminal penalties in Northern Ireland

- 2 (1) There shall be no limit to the amount of the fine which may be imposed in Northern Ireland on conviction on indictment of an offence against an order under section 25 of the Act of 1949 (power to prohibit or restrict use of civil aerodromes).
- (2) The maximum fine which may be imposed in Northern Ireland on summary conviction of an offence under section 38 of the Act of 1949 (trespassing on licensed aerodromes) shall be £25 and on summary conviction of an offence under section 29(2) or 55(1) of that Act (obstruction and contravention of provision about registration of births and deaths) shall be £50.
- (3) Paragraph (e) of section 26(2) of the Act of 1971 (regulation of provision of accommodation on aircraft) shall have effect in Northern Ireland as if the maximum fine on summary conviction which may be provided for in pursuance of that paragraph were a fine of the statutory maximum.
- (4) The maximum fine which may be imposed in Northern Ireland on summary conviction of any offence to which this sub-paragraph applies shall be a fine of the statutory maximum.

Status: This is the original version (as it was originally enacted).

- (5) Sub-paragraph (4) above applies to the following offences, that is to say—
- (a) an offence against an order under section 25 of the Act of 1949 ;
 - (b) an offence under section 6(3) or (4) of the Civil Aviation (Eurocontrol) Act 1962 (furnishing false particulars or certifying a false document) ;
 - (c) an offence under subsection (5) or (7) of section 21 of the Act of 1971 (restriction of unlicensed carriage for reward);
 - (d) an offence under section 24(7) of the Act of 1971 (furnishing false information);
 - (e) any offence falling within section 35(4)(b) of the Act of 1971 (furnishing false information) ; and
 - (f) an offence under section 36(3) of the Act of 1971 (disclosing confidential information).
- (6) In this paragraph " the statutory maximum " means 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 for the purposes of this paragraph the provisions of the said Act of 1980 which relate to that sum shall extend to Northern Ireland.

Incidental, supplementary and transitional provisions

- 3 (1) Any power to which this paragraph applies shall include power to make such incidental, supplementary or transitional provision as the authority exercising the power thinks fit.
- (2) This paragraph applies to the following powers, that is to say—
- (a) the power to make an Order in Council under any enactment to which Part VI of the Act of 1949 applies or under that Part of that Act;
 - (b) any power to make regulations conferred by the Civil Aviation (Licensing) Act 1960;
 - (c) the power to make regulations under section 4 of the Civil Aviation (Eurocontrol) Act 1962 (charges for air navigation services, etc.) ;
 - (d) any power to make an order under section 3(4), 6(5) or 14(10) of the Civil Aviation Act 1968 (power to repeal local enactments);
 - (e) any power to make an Order in Council under section 16 or 17 of the said Act of 1968 (mortgaging of and other rights in aircraft);
 - (f) any power to make an order or to make regulations which is conferred on the Secretary of State by the Act of 1971 (excluding section 15);
 - (g) any power conferred by the Civil Aviation Act 1978 to make an order or to make regulations ; and
 - (h) the power to make an Order in Council under section 30 of the Civil Aviation Act 1980.

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

Status: This is the original version (as it was originally enacted).

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 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

Status: This is the original version (as it was originally enacted).

- (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.
- 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—

Status: This is the original version (as it was originally enacted).

“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.

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.”.

Status: This is the original version (as it was originally enacted).

- 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 '.”.

Amendment of the Civil Aviation (Licensing) Act 1960

- 22 In section 6 of the Civil Aviation (Licensing) Act 1960, for the words from " In this subsection " in subsection (6) (offences committed by bodies corporate) to the end of that subsection there shall be substituted the following subsection—
- “(6A) 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.”.

Amendments of the Civil Aviation (Eurocontrol) Act 1962

- 23 In paragraph (c) of section 6(2) of the Civil Aviation (Euro-control) Act 1962 (duty not to disclose certain information except in specified circumstances), for the words from " this Act " onwards there shall be substituted the words " the said section 4, of proceedings brought by virtue of section 7(3)(b) of this Act or of any criminal proceedings whether or not arising out of this Act; or ".
- 24 In section 8(1) of the said Act of 1962 (interpretation), for the definition of " navigation services " there shall be substituted the following definitions—
- “ ' 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 any Act passed on or after 1st January 1979 ;
 - ' navigation services ' means any air navigation services within the meaning of the Civil Aviation Act 1971 ;”.

Amendments of the Tokyo Convention Act 1967

- 25 In section 5(1)(b) of the Tokyo Convention Act 1967 (admissibility in evidence of depositions made outside the United Kingdom), for the words from " which is " to " jurisdiction " there shall be substituted the words " which was part of Her

Status: This is the original version (as it was originally enacted).

Majesty's dominions at the time the deposition was made or in which Her Majesty had jurisdiction at that time " .

26 In subsection (1) of section 6 of the said Act of 1967 (evidential effect of certain documents and records)—

(a) in paragraph (a)(ii), the words " or this Act" shall be omitted; and

(b) at the end there shall be inserted the words—

“In this subsection ' record ' has the same meaning as in the Civil Aviation (Eurocontrol) Act 1962.”.

27 In section 7(1) of the said Act of 1967 (interpretation), after the definition of "military aircraft" there shall be inserted the following definition—

“' modifications' includes additions, omissions and amendments ;”.

Amendments of the Civil Aviation Act 1968

28 In section 14(5)(a) of the Civil Aviation Act 1968 (application of proceeds of sale of aircraft sold for unpaid airport charges), for the words " purchase tax" there shall be substituted the words " value added tax " .

29 In subsection (4) of section 18 of the said Act of 1968 (interpretation), for the words from "' relevant" onwards there shall be substituted the words "' enactment' has the same meaning as in the Civil Aviation Act 1949 and 'relevant overseas territory' has the same meaning as in section 30(1) of the Civil Aviation Act 1980. "

30 In section 28(3) of the said Act of 1968 (interpretation), at the end there shall be added the words " ; and ' modifications' includes additions, omissions and amendments. " .

Amendments of the Civil Aviation Act 1971

31 In section 4 of the Act of 1971 (Secretary of State's directions in the national interest, etc.), for the words " this Act" in subsection (1)(b) and the words " any provision of this Act" in subsections (2A) and (3) there shall be substituted the words " any enactment or instrument relating to the Authority " .

32 In subsection (9) of section 14 of the Act of 1971 (adaptations for Scotland and Northern Ireland)—

(a) paragraph (c) shall be omitted ; and

(b) for the words from " to subsection (2)" onwards there shall be substituted the words " to paragraphs 2 and 3 of Schedule 7 to the Roads (Northern Ireland) Order 1980 and to Article 40 of that Order. " .

33 In section 15 of the Act of 1971 (compulsory purchase of land in Northern Ireland)

—
(a) for subsection (2) there shall be substituted the following subsection—

“(2) Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall, subject to the modifications specified in Schedule 4 to this Act, apply for the purposes of the acquisition of land by means of an order under this section in the same manner as it applies to the acquisition of land by means of a vesting order under that Act.”;

(b) subsection (3) and in subsection (4) the words " Schedule 4 to this Act and the said Schedule 5 as incorporated in this Act," and the words from " and in Schedule 4 " onwards shall be omitted.

Status: This is the original version (as it was originally enacted).

- 34 In subsection (1) of section 16 of the Act of 1971 (land rights granted to CAA to bind grantor's successors), at the end there shall be added the following paragraph—
- “Section 63(2) of the Civil Aviation Act 1949 shall apply for the purposes of this subsection as it applies for the purposes of that Act.”.
- 35 In subsection (2)(e) of section 36 of the Act of 1971 (disclosure of certain information for the purposes of criminal proceedings arising out of that Act or an Air Navigation Order), for the words " this Act or an Air Navigation Order " there shall be substituted the words " any enactment relating to civil aviation " .
- 36 In section 63 of the Act of 1971 (orders and regulations)—
- (a) in subsection (1), the words " (except orders appointing a day)" shall be omitted ; and
 - (b) in subsection (3), the words from " but" onwards shall be omitted.
- 37 In section 64(1) of the Act of 1971 (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 ;”and
 - (b) for the definition of "relevant overseas territory" there shall be substituted the following definition—

“‘ relevant overseas territory' has the same meaning as in section 30(1) of the Civil Aviation Act 1980 ;”.
- 38 In section 65(1) of the Act of 1971, paragraph (a) (construction of references in application of Act to Northern Ireland) shall be omitted.
- 39 (1) Section 66 of the Act of 1971 (which, as amended by paragraph 1(2) above, provides for the extension of any provision of that Act to certain aircraft registered otherwise than in the United Kingdom) shall apply, as it applies to any provision of the Act of 1971, to—
- (a) any provision of any enactment to which Part VI of the Act of 1949 applies ;
 - (b) any provision of that Part of that Act;
 - (c) section 16 of the Civil Aviation Act 1968 ; and
 - (d) any provision of any Order in Council or regulation made by virtue of any provision mentioned in paragraphs (d) to (c) above.
- (2) Subsection (2) of section 59 of the Act of 1949 (which contains provision, in relation to the matters mentioned in sub-paragraph (1)(a), (b) and (d) above, which is comparable to that made by the said section 66) shall cease to have effect except for the purposes of any Order in Council made under that subsection and in force immediately before the coming into operation of this paragraph and for the purpose of amending or revoking such an Order.
- 40 It is hereby declared that the survey in relation to which a power of entry is conferred by virtue of paragraph 9(2) of Schedule 3 to the Act of 1971 is any survey which the Secretary of State or the Civil Aviation Authority requires to be made for the purpose of any steps to be taken in consequence of the order in question or, as the case may be, for the purpose of determining whether the order should be made.
- 41 For Schedule 4 to the Act of 1971 (modifications of Schedules 5 and 6 to the Roads Act (Northern Ireland) 1948) there shall be substituted the following Schedule—

“SCHEDULE 4

MODIFICATIONS OF SCHEDULE 6 TO THE LOCAL
GOVERNMENT ACT (NORTHERN IRELAND) 1972

- 1 For references to the department concerned there shall be substituted references to the Secretary of State.
- 2 For references to a district council there shall be substituted references to the Civil Aviation Authority.
- 3 References to Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall be construed as references to that Schedule as modified by this Schedule.
- 4 For paragraph 1 there shall be substituted the following paragraph—
“1 An application by the Civil Aviation Authority to the Secretary of State for a vesting order shall be in the prescribed form.”.
- 5 For paragraph 6(2) there shall be substituted the following sub-paragraph—
“(2) To the extent to which compensation is payable in accordance with the provisions of this Schedule, as from the date of vesting the rights and claims of all persons in respect of any land acquired by the vesting order shall be transferred and attached to the funds of the Civil Aviation Authority (in this Schedule referred to as " the compensation fund ") and shall be discharged by payments made by the Civil Aviation Authority.”.
- 6 In paragraph 12(2) for the words ' the clerk of the council' there shall be substituted the words ' such person as may be designated for the purposes of, this Schedule by the Civil Aviation Authority'.
- 7 Paragraph 20(2) shall be omitted.”.
- 42 In paragraph 3 of Schedule 9 to the Act of 1971 (which, in relation to Northern Ireland, makes provision about staff transferred to the Civil Aviation Authority)—
(a) in sub-paragraph (3), for the words " paragraph 7 of Schedule 2 to the Act of 1965 " there shall be substituted the words " paragraph 8 of Schedule 2 to the Industrial Relations (Northern Ireland) Order 1976 "and for the words from " paragraph 10" onwards there shall be substituted the words " Schedule 1 to the Act of 1965 shall be construed as a reference to that Schedule as it has effect by virtue of sub-paragraph (1) above "; and
(b) in sub-paragraph (5), for the words " or 2 to that Act" there shall be substituted the words " to that Act or to Schedule 2 to the Industrial Relations (Northern Ireland) Order 1976 ".

Amendment of the Air Travel Reserve Fund Act 1975

- 43 In subsection (2) of section 7 of the Air Travel Reserve Fund Act 1975 (which applies certain provisions of the Act of 1971)—
(a) for the words " sections 63(1) and (4) and 66 of that Act" there shall be substituted the words " section 63(1) and (4) of that Act and paragraphs 1 and 3 of Schedule 1 to the Civil Aviation (Amendment) Act 1982 ".

Status: This is the original version (as it was originally enacted).

- (b) for the words " that Act" in the third, fourth and fifth places where they occur there shall be substituted the words " the said Act of 1971 ".

Amendment of the Airports Authority Act 1975

- 44 It is hereby declared that the survey in relation to which a power of entry is conferred by virtue of paragraph 9(1) of Schedule 3 to the Airports Authority Act 1975 is any survey which the Secretary of State or the British Airports Authority requires to be made for the purpose of any steps to be taken in consequence of the order in question or, as the case may be, for the purpose of determining whether the order should be made.

Amendment of the Land Registration (Scotland) Act 1979

- 45 In section 1(4) of the Civil Aviation Act 1978 (deposit with certain institutions of money in the Aviation Security Fund), for the words from "with any" to " 1963" there shall be substituted the words " with a recognised bank or licensed institution within the meaning of the Banking Act 1979 ".
- 46 In section 14(3) of the said Act of 1978 (power to amend local Acts), after the words " local authority " there shall be inserted the words " (within the meaning of the Civil Aviation Act 1949) ".
- 47 In sub-paragraph (3) of paragraph 2 of Schedule 1 to the said Act of 1978 (power of entry for survey in case of order made or to be made by virtue of that paragraph), after the words " in consequence of the order " there shall be inserted the words " or, as the case may be, for the purpose of determining whether the order should be made ".

Amendment of the Land Registration (Scotland) Act 1979

- 48 (1) In subsection (1) of section 28 of the Land Registration (Scotland) Act 1979 (interpretation) at the end of the definition of the word " deed " there shall be inserted the words " and includes any such instrument as is mentioned in subsection (1) of section 33 of the Civil Aviation Act 1949 ; ".
- (2) The amendment made by this paragraph shall be deemed for all purposes to have had effect from the coming into operation of the said section 28.

The Civil Aviation Act 1980

- 49 The enactments and instruments with respect to which provision may be made by Order in Council in pursuance of section 1(1)(i) of the Hovercraft Act 1968 (power to apply enactments and instruments in relation to hovercraft etc.) shall include the Civil Aviation Act 1980 and any instrument made under it.