



Civil Aviation Act 1982

1982 CHAPTER 16

PART III

REGULATION OF CIVIL AVIATION

General

61 Air Navigation Orders etc.: supplemental.

- (1) An Air Navigation Order may, for the purpose of securing compliance with its provisions, provide—
- (a) subject to subsection (2) below, 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 (3) of section 60 above, for the taking of such steps (including firing on aircraft) as may be specified in the Order.
- (2) The power conferred by virtue of subsection (1)(a) above 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.

[^{F1}(2A) Subsection (2)(c) above shall have effect with the substitution of five years for “two years” in the case of a provision about endangering an aircraft or a person in an aircraft.]

- (3) Without prejudice to section 127(2) of the ^{M1}Magistrates’ Courts Act 1980 or to Article 19(2) of the ^{M2}Magistrates’ Courts (Northern Ireland) Order 1981 (no time limit for offences triable either way), summary proceedings for an offence against an Air Navigation Order, or any regulations made by virtue of such an Order, may be instituted at any time within twelve months from the commission of the offence if—

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, Section 61. (See end of Document for details)

- (a) it was committed in connection with the flight of an aircraft in the course of which an accident occurred; and
 - (b) not more than six months after the commission of the offence—
 - (i) public notice has been given that an investigation into the accident is being carried out in accordance with regulations under section 75 below; or
 - (ii) the Secretary of State (acting alone or with any government department) has directed that a public inquiry into the accident be held in accordance with those regulations.
- (4) In subsection (3) above “accident” has the same meaning as it has for the time being for the purposes of section 75 below; and for the purposes of that subsection, the flight of an aircraft shall be deemed to include any period from the moment when the power is applied for the purpose of the aircraft taking off on a flight until the moment when the landing run (if any) at the termination of that flight ends.
- (5) The fact that any such direction as is mentioned in subsection (3)(b)(ii) above has been given on any date may be proved by the production of a certificate to that effect purporting to be signed by an officer of the Secretary of State.
- (6) F2
- (7) There shall be paid out of moneys provided by Parliament—
- (a) any sums payable by Her Majesty’s Government in the United Kingdom by way of contribution to the expenses of the International Civil Aviation Organisation under the Chicago Convention;
 - (b) such expenses of any delegate, representative or nominee of Her Majesty’s Government in the United Kingdom appointed for any purposes connected with the Chicago Convention as may be approved by the Treasury; and
 - (c) any expenses incurred by Her Majesty’s Government in the United Kingdom for the purposes of Chapter XV of the Chicago Convention (which relates to the provision of airports and other air navigation facilities).
- (8) There shall be paid into the Consolidated Fund—
- (a) all sums received by Her Majesty’s Government in the United Kingdom by way of repayment of expenses incurred for the purposes of the said Chapter XV; and
 - (b) all sums received by way of fees paid under an Air Navigation Order.

Textual Amendments

- F1** S. 61(2A) inserted (10.7.2003 with effect as mentioned in s. 3) by [Aviation \(Offences\) Act 2003](#) (c. 19), **ss. 2**
- F2** S. 61(6) repealed by [Airports Act 1986](#) (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. II**

Modifications etc. (not altering text)

- C1** S. 61 extended (with modifications) (Overseas Territories) (16.5.2001) by [S.I. 2001/1452](#), art. 4, Schs. 1, 2 (with art. 5)
- C2** S. 61 extended (with modifications) (1.4.2007) by [The Civil Aviation \(Isle of Man\) Order 2007](#) (S.I. 2007/614), **art. 2(b)**, Sch.
- C3** S. 61 extended (overseas territories) (26.5.2021) by [The Civil Aviation Act 1982 \(Overseas Territories\) Order 2021](#) (S.I. 2021/477), arts. 1(1), 2, **Sch.**

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Marginal Citations

M1 1980 c. 43.

M2 S.I. 1981/1675 (N.I. 26).

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