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STATUTORY INSTRUMENTS

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**1992 No. 230**

**CIVIL AVIATION**

**The Civil Aviation Act 1982 (Guernsey) Order 1992**

*Made* - - - - *11th February 1992*

*Coming into force* - - *11th March 1992*

At the Court at Buckingham Palace, the 11th day of February 1992

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 108(1) of the Civil Aviation Act 1982(1), 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 Civil Aviation Act 1982 (Guernsey) Order 1992 and shall come into force on 11th March 1992.

2. The provisions of the Civil Aviation Act 1982 which are listed in Part I of Schedule 1 to this Order shall extend to the Bailiwick of Guernsey with the modifications specified in Part II of that Schedule.

3. The Orders specified in Schedule 2 to this Order are hereby revoked to the extent that they relate to the extension to the Bailiwick of Guernsey of any enactment which is repealed by and re-enacted in the Civil Aviation Act 1982.

4. The Civil Aviation Act 1982 (Guernsey) Order 1986(2) is hereby revoked.

*G.I. de Deney*  
Clerk of the Privy Council

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(1) 1982 c. 16; section 108(1) was amended by paragraph 8(2) of Schedule 4 to the Airports Act 1986 (c. 31) and the power in that provision was extended by section 4(3) of the Civil Aviation (Eurocontrol) Act 1983 (c. 11) and section 51(2) of the Aviation and Maritime Security Act 1990 (c. 31).  
(2) S.I.1986/1162.

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SCHEDULE 1

Article 2

EXTENSION OF PROVISIONS OF THE CIVIL AVIATION  
ACT 1982 TO THE BAILIWICK OF GUERNSEY

PART I

PROVISIONS EXTENDED

- Section 2 (constitution of CAA), together with paragraphs 11 and 17 of Schedule 1.
- Section 24 (Eurocontrol), together with Schedule 4(3).
- Subsection (1) of section 38 (fixing by reference to noise factors the charges for using licensed aerodromes).
- Section 60 (power to give effect to Chicago Convention and to regulate air navigation, etc.)(4).
- Subsections (1) and (2) of section 61 (Air Navigation Orders etc.: supplemental).
- Section 62 (control of aviation in time of war or emergency).
- Section 63 (control of CAA and air transport undertakings in time of war or emergency).
- Section 64 (restriction of unlicensed carriage by air for reward).
- Subsection (6) of section 67 (supplementary provisions relating to air transport licensing).
- Section 71 (regulation of provision of accommodation in aircraft).
- Section 73 (charges for air navigation services etc.).
- Section 74 (provisions supplementary to section 73).
- Section 74A (enforcement of foreign judgments etc. in respect of route charges)(5).
- Section 75 (investigation of accidents)(6).
- Section 76 (liability of aircraft in respect of trespass, nuisance and surface damage).
- Section 77 (nuisance caused by aircraft on aerodromes).
- Subsections (1) to (5) and (12) of section 78 (regulation of noise and vibration from aircraft).
- Section 81 (dangerous flying)(7).
- Section 84 (provision by others of information for the CAA and the Secretary of State)(8).
- Section 87 (application of law of wreck and salvage to aircraft).
- Section 88 (detention and sale of aircraft for unpaid airport charges).
- Section 89 (exemption of aircraft and parts thereof from seizure on patent claims), together with Schedule 12.
- Section 90 (power to give effect to Convention on rights in aircraft).
- Section 92 (application of criminal law to aircraft).

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- (3) In section 24 the definition of “the Eurocontrol Convention” was amended by section 3 of the Civil Aviation (Eurocontrol) Act 1983 (c. 11), and Schedule 4 was amended by section 2 of that Act.
- (4) Section 60(3)(o) was repealed by Part II of Schedule 6 to the Airports Act 1986 (c. 31); paragraph (f) of subsection (3) was amended, and paragraph (ff) was inserted, by section 47 of the Aviation and Maritime Security Act 1990.
- (5) Section 74A was inserted by the Civil Aviation (Eurocontrol) Act 1983, section 1.
- (6) In section 75(5) the reference to a fine on the standard scale was substituted by virtue of section 46 of the Criminal Justice Act 1982 (c. 48).
- (7) In section 81(1) the reference to a fine on the standard scale was substituted by virtue of section 46 of the Criminal Justice Act 1982.
- (8) In section 84(4)(a) the reference to a fine on the standard scale was substituted by virtue of section 46 of the Criminal Justice Act 1982.

- Section 94 (powers of commander of aircraft)(9).
- Section 95 (provisions as to evidence in connection with aircraft).
- Section 96 (use of records and documentary evidence).
- Section 97 (seaplanes).
- Section 98 (construction of certain provisions of Part IV).
- Section 99 (offences)(10).
- Section 101 (power to apply certain provisions to Crown aircraft).
- Subsections (1) and (2) of section 102 (powers to make Orders in Council, orders and regulations), together with Schedule 13.
- Section 105 (general interpretation)(11).
- Section 106 (application of Act to territorial waters).
- Section 109 (transitional provisions, consequential amendments, repeals etc.), together with paragraphs 1, 2, 3, 6, 7 and 13 of Schedule 14, paragraphs 6, 10, 13 and 21 of Schedule 15 and Schedule 16.
- Subsection (1) of section 110 (citation and commencement).

## PART II

### MODIFICATIONS (INCLUDING ADDITIONS, OMISSIONS AND AMENDMENTS) TO THE PROVISIONS OF THE CIVIL AVIATION ACT 1982 WHICH ARE EXTENDED TO THE BAILIWICK OF GUERNSEY BY PART I OF THIS SCHEDULE

1. Any reference in the Act to the Act or a provision of it is, unless the contrary intention appears, a reference to the Act or provision as extended to the Bailiwick of Guernsey.
2. In section 2 (constitution of CAA):
  - (a) in subsection (1) for the words “the following provisions of this section” there shall be substituted “this section as it has effect in the United Kingdom”; and
  - (b) subsection (2) shall be omitted.
3. In section 38(1) (fixing by reference to noise factors the charges for using licensed aerodromes):
  - (a) for the words “any aerodrome authority” and “an aerodrome authority” there shall be substituted “the Board”; and
  - (b) for the words “its charges” there shall be substituted “the charges it makes for the use of an aerodrome”.
4. After section 38 (fixing by reference to noise factors the charges for using licensed aerodromes) there shall be inserted the following section:

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(9) In section 94(6) the reference to a fine on the standard scale was substituted by virtue of section 46 of the Criminal Justice Act 1982.

(10) Section 99(5)(a) was repealed by Part II of Schedule 6 to the Airports Act 1986.

(11) In section 105(1) the definition of “the BAA” was repealed by Part I of Schedule 6 to the Airports Act 1986, the definition of “United Kingdom national” was amended by the Hong Kong (British Nationality) Order 1986 (S.I. 1986/948) and the definition of “relevant overseas territory” was repealed in part by Schedule 4 to the Aviation and Maritime Security Act 1990; and section 105(8) was repealed by Schedule 7 to the Fines and Penalties (Northern Ireland) Order 1984 (S.I. 1984/703 (N.I. 3)).

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### **“Regulations in respect of property**

**38A.** The Board may by regulations make provision for securing the safe custody and redelivery of any property which, while not in its proper custody, is found on any premises belonging to the Board or under its control, or in any aircraft on any such premises, and any such regulations may in particular provide for—

- (a) requiring charges to be paid in respect of any such property before it is redelivered; and
- (b) authorising the disposal of any such property if it is not redelivered before the expiration of such period as may be specified in the regulations.”.

**5.** Section 60 (power to give effect to Chicago Convention and to regulate air navigation, etc.) shall be amended as follows:

- (a) in subsection (1), the words “Subject to section 11(7) above,” shall be omitted;
- (b) in subsection (3), for the words “the United Kingdom” wherever those words occur there shall be substituted “Guernsey”;
- (c) in subsection (4), for the words “the United Kingdom” in the first place where those words occur there shall be substituted “Guernsey”; and
- (d) subsection (5) shall be omitted.

**6.** Section 62 (control of aviation in time of war or emergency) shall be amended as follows:

- (a) in subsections (1)(a) and (4) for the words “the United Kingdom”, in each place where those words occur, there shall be substituted “Guernsey”;
- (b) in subsection (3) for the words “in default of agreement by the Lands Tribunal” there shall be substituted “, in the event of dispute, by arbitration”; and
- (c) in subsection (4) for the words from the beginning of the subsection to “any land” there shall be substituted “The provisions of the Arbitration (Guernsey) Law 1982, as amended, shall apply for the purpose of subsection (3) above as if an arbitration agreement existed between the parties to the dispute in respect of the matter in dispute;”.

**7.** Section 63 (control of CAA and air transport undertakings in time of war or emergency) shall be amended as follows:

- (a) in subsection (1), paragraph (a) shall be omitted;
- (b) in subsection (2), for the words “the United Kingdom” there shall be substituted “Guernsey”;
- (c) subsection (3) shall be omitted;
- (d) in subsection (6), for the words from “in default of agreement” to the end there shall be substituted “in the event of dispute, by arbitration; and the provisions of the Arbitration (Guernsey) Law 1982, as amended, shall apply for the purpose of this subsection as if an arbitration agreement existed between the parties to the dispute in respect of the matter in dispute”.

**8.** Section 64 (restriction of unlicensed carriage by air for reward) shall be amended as follows:

- (a) in subsection (1) for the word “below” there shall be substituted “as it has effect in the United Kingdom”;
- (b) in subsection (2), for the words “the United Kingdom” in the second place where those words occur there shall be substituted “Guernsey”;
- (c) in subsection (3) for the words “prescribed manner”, in both places where those words occur, there shall be substituted “manner prescribed by regulations made or having effect as if made under this section as it applies in the United Kingdom”;

- (d) at the end of subsection (6) there shall be added:
    - “In this subsection any reference to the United Kingdom, except references to a United Kingdom national, shall be construed as including a reference to Guernsey.”;
    - and
  - (e) in subsection (7), for the words “the United Kingdom” there shall be substituted “Guernsey”.
- 9.** Section 71 (regulation of provision of accommodation in aircraft) shall be amended as follows:
- (a) for the words “Secretary of State”, wherever those words occur, there shall be substituted “Board”;
  - (b) in subsection (1), for the words “the United Kingdom” there shall be substituted “Guernsey”; and
  - (c) in subsection (2)—
    - (i) the words “after consultation with the CAA”,
    - (ii) in paragraph (d), the words “a Minister of the Crown”, and
    - (iii) paragraph (f),shall be omitted.
- 10.** Section 73 (charges for air navigation services etc.) shall be amended as follows:
- (a) for the words “Secretary of State”, wherever those words occur, there shall be substituted “Board”, together with (where necessary) the consequential substitution of “it” for “he” or “him”;
  - (b) in subsection (1)—
    - (i) in paragraph (a), the words “or the CAA or Eurocontrol” and “the CAA, Eurocontrol or any other person or by any person jointly”, and
    - (ii) paragraph (b),shall be omitted;
  - (c) subsections (2), (4) and (5) shall be omitted;
  - (d) in subsection (3), the words from “or upon the managers” to the end shall be omitted;
  - (e) in subsection (6)—
    - (i) in paragraph (a), the words “or the CAA” and “with the consent of the Treasury”, and
    - (ii) paragraphs (b) and (c),shall be omitted;
  - (f) in subsection (7)—
    - (i) the words “or managers of aerodromes”,
    - (ii) in paragraph (b), the words “or (2)”, “or of the CAA or of Eurocontrol” and “or managers” and sub-paragraph (ii), and
    - (iii) in paragraph (c), the words “or (2)” and “or to the CAA or to Eurocontrol” and subparagraph (ii),shall be omitted;
  - (g) in subsection (8)—
    - (i) for the words “the United Kingdom” in the second place where they occur there shall be substituted “Guernsey”, and
    - (ii) the words from “and whether” to the end shall be omitted;

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- (h) subsection (9) shall be omitted; and
- (i) in subsection (10), for the definition of “manager” there shall be substituted the following definition:

““prescribed” means prescribed by regulations of the Board;”.

**11.** Section 74 (provisions supplementary to section 73) shall be amended as follows:

- (a) in subsection (2)(d), for “regulations” there shall be substituted “an Order in Council”;
- (b) in subsection (4), for the words “Secretary of State” there shall be substituted “Board”; and
- (c) in subsection (6)—
  - (i) for the words “the United Kingdom” there shall be substituted “Guernsey”,
  - (ii) for the words “Secretary of State” there shall be substituted “Board”, and
  - (iii) the words “or the CAA or Eurocontrol” shall be omitted.

**12.** Section 74A (enforcement of foreign judgments etc. in respect of route charges) shall be amended as follows:

- (a) in subsection (1), for the words “United Kingdom” there shall be substituted “Island of Guernsey”;
- (b) in subsection (2)—
  - (i) for the words “any part of the United Kingdom” there shall be substituted “the Island of Guernsey”,
  - (ii) for the words “2, 3(1) and 5(2) and (3) of the Foreign Judgments (Reciprocal Enforcement) Act 1933” there shall be substituted “sections 4, 5(1) and 7(2) and (3) of the Judgments (Reciprocal Enforcement) (Guernsey) Law 1957”,
  - (iii) for the words “Part I of that Act” there shall be substituted “Part II of that Law”, and
  - (iv) for the words “5 of that Act” there shall be substituted “7 of that Law”;
- (c) in subsection (3)(c), for the words from “part” to the end of the subsection there shall be substituted “Island of Guernsey”;
- (d) in subsection (4)—
  - (i) for the words “a part of the United Kingdom” there shall be substituted “the Island of Guernsey”,
  - (ii) in paragraph (c), the words from “in the part” to the end of the paragraph shall be omitted,
  - (iii) in paragraphs (e) and (f), for the words “the United Kingdom” there shall be substituted “Guernsey”, and
  - (iv) in paragraph (g), for the words from “part of” to “determination is sought” there shall be substituted “Island of Guernsey”, and
- (e) in subsection (9), for the words from “coming into force” until the end of the subsection there shall be substituted “date of the extension of this section to Guernsey”.

**13.** Section 75 (investigation of accidents) shall be amended as follows:

- (a) in subsection (1) for the words from “the Secretary” to “him” there shall be substituted “Her Majesty may by Order in Council under this section make such provision as appears to Her Majesty” and in paragraph (a) of that subsection for the words from “either” to the end of that paragraph there shall be substituted “occurring in or over Guernsey”;
- (b) in subsection (2)(b) for the word “regulations” there shall be substituted “Order in Council”;

- (c) in subsection (3):
  - (i) for the words “regulations under” there shall be substituted “an Order in Council under”;
  - (ii) in paragraph (a) for the words “the regulations” there shall be substituted “the Order in Council”; and
  - (iii) paragraph (b) shall be omitted; and
- (d) in subsection (5) for the words “any regulations” there shall be substituted “any provision in an Order in Council”.

**14.** Section 78 (regulation of noise and vibration from aircraft) shall be amended as follows:

- (a) for the words “Secretary of State”, wherever those words occur, there shall be substituted “Board”, together with (where necessary) the consequential substitution of “it” for “he” or “him”;
- (b) for the words “a designated aerodrome”, wherever those words occur, there shall be substituted “an aerodrome”;
- (c) in subsection (2) for the words from “give to the person” to the end of the subsection there shall be substituted “take such steps as may be necessary to ensure that facilities for using the aerodrome are withheld to such extent as the Board may determine from aircraft of which the person aforesaid is the operator and from his servants”;
- (d) in subsection (3) the words from “and subject to subsection (4) below” to the end of the subsection shall be omitted;
- (e) in subsection (4) for the words “person for the time being managing the aerodrome or a person authorised by him for the purpose,” in paragraph (b) there shall be substituted “Board” and the words from “but it shall be” to the end of the subsection shall be omitted; and
- (f) in subsection (5)—
  - (i) the words “without prejudice to the powers exercisable by virtue of that subsection by the person managing the relevant aerodrome” in paragraph (c) shall be omitted;
  - (ii) paragraph (d) shall be omitted;
  - (iii) for paragraph (e) there shall be substituted:
    - “(e) nothing in that subsection requires the Board to prevent an aircraft from landing at an aerodrome;”;
  - (iv) in paragraph (f) for the word “given” there shall be substituted “published” and the words “to the person managing an aerodrome to which a notice under that subsection relates” shall be omitted; and
- (g) after subsection (12) there shall be inserted the following subsection:
  - “(12A) In this section “the prescribed manner” means such manner as may be prescribed by regulations of the Board.”.

**15.** Section 84 (provision by others of information for the CAA and Secretary of State) shall be amended as follows:

- (a) in subsection (1)—
  - (i) for the words “prescribed manner” there shall be substituted “manner prescribed by regulations made or having effect as if made under this section as it applies in the United Kingdom”;
  - (ii) after the words “under this Act” in paragraph (a) there shall be inserted “or an aerodrome licence issued by the Royal Court”;

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- (iii) for the words “the United Kingdom” in paragraphs (c), (d) and (ii) there shall be substituted “Guernsey”; and
  - (iv) for the words “CAA under an Air Navigation Order”, where those words last occur, there shall be substituted “Royal Court”; and
  - (b) in subsection (4) for the words “outside the United Kingdom” there shall be substituted “outside Guernsey”.
- 16.** In section 87 (application of law of wreck and salvage to aircraft) subsections (4) and (5) shall be omitted.
- 17.** Section 88 (detention and sale of aircraft for unpaid airport charges) shall be amended as follows:
- (a) for the words “the aerodrome authority” and “an aerodrome authority” wherever they occur there shall be substituted “the Board”;
  - (b) in subsections (2)(b) and (3)(a) and (c) for the words “the authority” there shall be substituted “the Board”;
  - (c) in subsection (4), for the words “An aerodrome authority proposing” there shall be substituted “The Board when proposing”;
  - (d) in subsections (5) and (9) the word “concerned” shall be omitted;
  - (e) in subsection (6)(a) the words “or value added tax” shall be omitted and for the words “United Kingdom” there shall be substituted “Guernsey”;
  - (f) in subsection (10)—
    - (i) for the words from “any government department” to “Secretary of State” there shall be substituted “the Board”;
    - (ii) the definition of “aerodrome authority” shall be omitted; and
    - (iii) in the definition of “the court”, for paragraphs (a) and (b) there shall be substituted “the Royal Court of Guernsey sitting as an Ordinary Court”; and
  - (g) subsection (11) shall be omitted.
- 18.** Section 89 (exemption of aircraft and parts thereof from seizure on patent claims) shall be amended as follows:
- (a) in subsections (1), (2) and (3) for the words “the United Kingdom”, wherever those words occur, there shall be substituted “Guernsey”, and
  - (b) in subsection (4) after the words “Order in Council”, in both places where those words occur, there shall be inserted “made, or having effect as if made, under this section as it applies in the United Kingdom”.
- 19.** Section 90 (power to give effect to Convention on rights in aircraft) shall be amended as follows:
- (a) in subsection (2), in paragraphs (a) and (c), and, in paragraph (e), in the first place where they occur, for the words “the United Kingdom” there shall be substituted “Guernsey”; and
  - (b) in subsection (2)(b), the words from “including” to the end of the paragraph shall be omitted.
- 20.** Section 92 (application of criminal law to aircraft) shall be amended as follows:
- (a) in subsections (1) and (3) for the words “the United Kingdom”, wherever those words occur, there shall be substituted “Guernsey”;
  - (b) subsection (2) shall be omitted;
  - (c) in subsection (5)—



- (i) the definition of “the air navigation enactments” shall be omitted;
  - (ii) in paragraph (b)(ii) of the definition of “British controlled aircraft” for the words “the United Kingdom” there shall be substituted “Guernsey”; and
  - (iii) in paragraph (b) of the definition of “military aircraft” after the words “of this Act” there shall be inserted “as the section applies in any part of the United Kingdom or as extended to Guernsey”; and
  - (d) subsection (6) shall be omitted.
- 21.** Section 94 (powers of commander of aircraft) shall be amended as follows:
- (a) in subsection (1) for the words “the United Kingdom” there shall be substituted “Guernsey”; and
  - (b) in subsections (5), (6) and (8)—
    - (i) for the words “the United Kingdom”, in each place where they occur, there shall be substituted “Guernsey”;
    - (ii) for the words “a constable”, in each place where they occur, there shall be substituted “an officer of police”;
    - (iii) the word “other” in subsection (5)(b)(ii) shall be omitted; and
    - (iv) the word “other” in the first place where it occurs in subsection (6)(b) shall be omitted.
- 22.** Section 95 (provisions as to evidence in connection with aircraft) shall be amended as follows:
- (a) in subsection (1) for the words “the United Kingdom”, except in the last place where those words occur, there shall be substituted “Guernsey”; and
  - (b) subsection (4) shall be omitted.
- 23.** Section 96 (use of records and documentary evidence) shall be amended as follows:
- (a) in subsection (1)—
    - (i) after the word “made” there shall be inserted “or having effect as if made”;
    - (ii) after the words “Secretary of State” there shall be inserted “under this subsection as it has effect in the United Kingdom”;
    - (iii) before the words “or by the Air Registration” there shall be inserted “or by the Board”; and
    - (iv) the words “and in Scotland sufficient evidence” shall be omitted;
  - (b) in subsection (2)—
    - (i) after the words “regulations made” there shall be inserted “or having effect as if made”;
    - (ii) after the words “Secretary of State” there shall be inserted “under this subsection as it has effect in the United Kingdom”; and
    - (iii) the words “and in Scotland sufficient evidence” shall be omitted; and
  - (c) after subsection (5) there shall be inserted the following subsection:
    - “(6) In the case of a document issued or record kept or made by the Board, subsections (1) and (2) above shall have effect as if the references to an authority or person designated by regulations made by the Secretary of State were references to the Board.”.
- 24.** Section 97 (seaplanes) shall be amended as follows:
- (a) subsections (2) and (3) shall be omitted;

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(b) for subsection (4) there shall be substituted the following subsection:

“(4) Subject to subsection (5) below, any power or duty to regulate ships or vessels exercisable by any authority in Guernsey shall be construed as including a power or duty to regulate seaplanes when on the surface of the water and a power to authorise a harbour master or other officer of the authority to exercise, as respects seaplanes on the surface of the water, all or any of the functions which he is authorised to exercise as respects ships or vessels.”;

(c) in subsection (5) for the words from the beginning to “authorise” there shall be substituted “The powers conferred by subsection (4) above do not include power to require, or to authorise”;

(d) the first subsection (6) shall be omitted;

(e) in the second subsection (6) the definitions of “byelaws”, “conservancy authority”, “harbour authority” and “enactment” shall be omitted.

**25.** At the end of section 98 (construction of certain provisions of Part IV) there shall be added:

“An order made or having effect as if made under this section as it applies in the United Kingdom shall have effect in Guernsey as it has effect in the United Kingdom.”.

**26.** Section 99 (offences) shall be amended as follows:

(a) in subsection (4) the words “44, 45, 50”, “82, 83” and “7(2)(b) or” shall be omitted;

(b) in subsection (5)—

(i) in paragraph (b) the words “44, 45, 50, 83 or” shall be omitted; and

(ii) paragraph (e) shall be omitted.

**27.** In subsection (2) of section 101 (power to apply certain provisions to Crown aircraft), the word “91” shall be omitted.

**28.** Section 102 (powers to make Orders in Council, orders and regulations) shall be amended as follows:

(a) in subsection (1), after “Secretary of State” there shall be inserted “or the Board” and the words “other than a power conferred by a provision of this Act specified in Part I of Schedule 13 to this Act” shall be omitted; and

(b) in subsection (2), paragraph (a) shall be omitted.

**29.** Section 105 (general interpretation) shall be amended as follows:

(a) in subsection (1)—

(i) the definitions of “accounting year”, “enactment”, “the initial debt”, “the Land Compensation Act”, “the Lands Tribunal”, “local authority”, “prescribed”, “statutory maximum”, “statutory undertaker”, “statutory undertaking” and “subsidiary” shall be omitted;

(ii) before the definition of “the CAA” there shall be inserted the following:

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

(iii) after the definition of “functions” there shall be inserted the following:

““Guernsey” means the Bailiwick of Guernsey;”;

(iv) after the definition of “modifications” there shall be inserted the following:

““officer of police” 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

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- of his jurisdiction, a member of the special constabulary of the Island of Guernsey;
- (b) in relation to Alderney, a member of the said police force and a member of any police force which may be established by the States of Alderney; and
  - (c) in relation to Sark, the Constable, the Vingtenier and a member of the said police force of the Island of Guernsey;”;
- (v) after the definition of “reward” there shall be inserted the following:  
“the Royal Court” means the Royal Court of Guernsey;”;
- (b) subsections (5), (6) and (7) shall be omitted.
- 30.** Section 106 (application of Act to territorial waters) shall be amended as follows:
- (a) in subsection (1) for the words “the United Kingdom” in both places where they occur there shall be substituted “Guernsey”; and
  - (b) in subsection (2) for the words “63 to 74” there shall be substituted “63, 64, 67, 71, 73, 74”.
- 31.** Paragraph 11 of Schedule 1 (additional provisions relating to constitution, etc. of CAA) shall be amended as follows:
- (a) after the words “members” and “member” there shall be inserted “of the CAA”; and
  - (b) for the word “above” there shall be substituted “of this Schedule as it applies in the United Kingdom”.
- 32.** Schedule 4 (Eurocontrol) shall be amended as follows:
- (a) in paragraph 1(4) for the words “a constable” in both places where those words occur there shall be substituted “an officer of police”;
  - (b) in paragraph 1(4)(b), for the word “regulations” there shall be substituted “an Order in Council”;
  - (c) in paragraph 1(4B)(12) for the words “the United Kingdom” there shall be substituted “Guernsey”;
  - (d) paragraph 2 shall be omitted; and
  - (e) in paragraph 3(1) for the words “the United Kingdom” there shall be substituted “Guernsey”.
- 33.** Schedule 12 (patent claims against aircraft not protected under Chicago Convention) shall be amended as follows:
- (a) for the words “the United Kingdom”, wherever those words occur, there shall be substituted “Guernsey”;
  - (b) for the words “Secretary of State”, wherever those words occur, there shall be substituted “Board”; and
  - (c) in paragraph 3, for the word “court” there shall be substituted “the Royal Court”.
- 34.** Schedule 13 (subordinate instruments) shall be amended as follows:
- (a) Part I shall be omitted;
  - (b) in Part II—
    - (i) all the entries, except those referring to sections 60, 62, 63, 64, 71, 73, 75, 78(1), (3), (4) or (5), 84, 87, 89, 90, 96 and 101, shall be omitted;

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(12) Paragraph 1(4B) was inserted by section 2(4) of the Civil Aviation (Eurocontrol) Act 1983 (c. 11).

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(ii) immediately before the entry relating to section 60 there shall be inserted the following entry:

|              |                                     |  |
|--------------|-------------------------------------|--|
| “Section 38A | Regulations for custody of property | Paragraphs 1 and 2 of Part III apply”; |
|--------------|-------------------------------------|--|

(iii) in the entry in column 2 relating to section 75 for the word “Regulations” there shall be substituted “Order in Council”; and

(iv) the entries in column 3 shall be omitted;

- (c) in paragraph 3(1) of Part III for the words “Secretary of State” there shall be substituted “Board”; and
- (d) in paragraph 6(1) of Part III for the words “the United Kingdom”, in the first place where they occur, there shall be substituted “Guernsey”.

**35.** Schedule 14 (transitional and transitory provisions and savings) shall be amended as follows:

- (a) in paragraph 7 the words “39, 41, 43, 47,” and “and 107(2)” shall be omitted; and
- (b) in paragraph 13 for the words “this Act” there shall be substituted “the Civil Aviation Act 1982 (Guernsey) Order 1992”.

**36.** Paragraph 6 of Schedule 15 (consequential amendments) shall be amended as follows:

- (a) after the words “Convention Act” there shall be inserted “as extended to Guernsey by the Tokyo Convention Act 1967 (Guernsey) Order 1969(13)”; and
- (b) after the words “said section 92” there shall be inserted, so as to be included in the passage quoted, “References to the Civil Aviation Act 1982 are to that Act as extended to Guernsey by the Civil Aviation Act 1982 (Guernsey) Order 1992”.

**37.** Paragraph 10 of Schedule 15 shall be amended as follows:

- (a) after the words “Act 1971” there shall be inserted “as extended to Guernsey by the Hijacking Act 1971 (Guernsey) Order 1971(14)”; and
- (b) after the words “Act 1967” there shall be inserted, so as to be included in the passage quoted, “as extended to Guernsey by the Tokyo Convention Act 1967 (Guernsey) Order 1969”; and
- (c) after the words “Act 1982” there shall be inserted, so as to be included in the passage quoted, “as extended to Guernsey by the Civil Aviation Act 1982 (Guernsey) Order 1992”.

**38.** Paragraph 13 of Schedule 15 shall be amended as follows:

- (a) after the words “Act 1973” there shall be inserted “as extended to Guernsey by the Protection of Aircraft Act 1973 (Guernsey) Order 1973(15)”; and
- (b) paragraph (a) shall be omitted; and
- (c) in paragraph (b) after the words “Act 1982” there shall be inserted, so as to be included in the passage quoted, “as extended to Guernsey by the Civil Aviation Act 1982 (Guernsey) Order 1992”.

**39.** Paragraph 21 of Schedule 15 shall be amended as follows:

- (a) after the words “Act 1978” there shall be inserted the words “as extended to Guernsey by the Suppression of Terrorism Act 1978 (Guernsey) Order 1978(16)”; and

(13) S.I. 1969/596.

(14) S.I. 1971/1744.

(15) S.I. 1973/1760.

(16) S.I. 1978/1529.

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- (b) after the words “Act 1982” there shall be inserted the words “as extended to Guernsey by the Civil Aviation Act 1982 (Guernsey) Order 1992”.

**40.** In Schedule 16 (repeals) all of the entries, except those relating to the Civil Aviation Act 1949(17), the Civil Aviation (Licensing) Act 1960(18), the Tokyo Convention Act 1967(19) and the Civil Aviation Act 1971(20), shall be omitted and references to those Acts shall be construed as references to them as extended to Guernsey by the Civil Aviation Act (Channel Islands) Order 1953(21), the Civil Aviation (Licensing) Act 1960 (Channel Islands) Order 1961(22), the Tokyo Convention Act 1967 (Guernsey) Order 1969(23) and the Civil Aviation Act 1971 (Channel Islands) Order 1972(24), respectively, and the repeal by Schedule 16 of any provision which was not extended to Guernsey by those Orders shall be disregarded.

## SCHEDULE 2

Article 3

### ORDERS REVOKED

| Instruments  | References                    |
|--|-------------------------------|
| The Civil Aviation Act (Channel Islands) Order 1953      | <a href="#">S.I. 1953/393</a> |
| The Civil Aviation Act (Channel Islands) Order 1966      | <a href="#">S.I. 1966/688</a> |
| The Tokyo Convention Act 1967 (Guernsey) Order 1969      | <a href="#">S.I. 1969/596</a> |
| The Civil Aviation Act 1971 (Channel Islands) Order 1972 | <a href="#">S.I. 1972/450</a> |

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order extends those provisions of the Civil Aviation Act 1982 which are set out in Part I of Schedule 1 to this Order to the Bailiwick of Guernsey; the provisions are subject to the modifications specified in Part II of that Schedule. The Order also revokes the Orders specified in Schedule 2 to this Order to the extent that they relate to the extension to the Bailiwick of Guernsey of enactments replaced by that Act.

(17) 1949 c. 67 (12, 13 & 14 Geo. 6).

(18) 1960 c. 38 (8 & 9 Eliz. 2).

(19) 1967 c. 52.

(20) 1971 c. 75.

(21) S.I. 1953/393, as amended by the Civil Aviation Act (Channel Islands) Order 1966 (S.I. 1966/688).

(22) S.I. 1961/574.

(23) S.I. 1969/596.

(24) S.I. 1972/450.

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