1972 No. 453

CIVIL AVIATION

The Air Navigation (Guernsey) Order 1972

Made - - - -	22*nd March* 1972
Laid before Parliament	28*th March* 1972
Coming into Operation—	
for making regulations	22*nd March* 1972
for all other purposes	1*st April* 1972

At the Court of Saint James, the 22nd day of March 1972

Present,

Her Majesty Queen Elizabeth The Queen Mother
Her Royal Highness The Princess Anne
Lord President
Earl St. Aldwyn
Mr Amery
Chancellor of the Duchy of Lancaster

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953(a), was pleased, by Letters Patent dated the 4th day of February 1972, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness The Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, His Royal Highness The Prince Charles, Prince of Wales, Her Royal Highness The Princess Anne, Her Royal Highness The Princess Margaret, Countess of Snowdon, and His Royal Highness The Duke of Gloucester, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness the Prince Philip, Duke of Edinburgh, His Royal Highness The Prince Charles, Prince of Wales, Her Royal Highness The Princess Anne and Her Royal Highness The Princess Margaret, Countess of Snowdon, while absent from the United Kingdom:

(a) 1937 c. 16; 1943 c. 42; 1953 c. 1 (2 & 3 Eliz. 2).

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Anne, being authorised thereto by the said Letters Patent and in exercise of the powers conferred by sections 8, 41, 57, 58, 59 and 61 of the Civil Aviation Act 1949(a), as amended by section 62(1) of the Civil Aviation Act 1971(b), as extended to the Channel Islands by the Civil Aviation Act (Channel Islands) Order 1953(c) (as amended by the Civil Aviation Act (Channel Islands) Order 1966(d)) and the Civil Aviation Act 1971 (Channel Islands) Order 1972(e) respectively and as further extended by the Civil Aviation Act 1968(f), do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Air Navigation (Guernsey) Order 1972.

(2) This Order shall come into operation forthwith for the purpose of enabling regulations to be made by virtue thereof and on 1st April 1972 for all other purposes.

2. The Air Navigation (Guernsey) Order 1966 (g) is hereby revoked, but any Regulations made by virtue of any of the provisions of that Order shall remain in force as if they had been made by virtue of the corresponding provisions of this Order.

3.—(1) In this Order the expression "Guernsey" means the Bailiwick of Guernsey and the territorial waters adjacent thereto.

(2) The Interpretation Act 1889(h) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

4. The Air Navigation Order 1972(i) shall apply in relation to Guernsey with the modifications and adaptations specified in the Schedule to this Order.

W. G. Agnew.

SCHEDULE

Modifications and Adaptations of the Air Navigation Order 1972

1. Any reference to the Civil Aviation Act 1949 shall be construed as a reference to that Act as extended to Guernsey by the Civil Aviation Act (Channel Islands) Order 1953 and the Civil Aviation Act (Channel Islands) Order 1966.

2.—(1) Subject to any express substitution made by this Schedule, any reference to the United Kingdom (except in the case of the references specified in the next following sub-paragraph) shall be construed as a reference to Guernsey.

(2) The references to the United Kingdom which are not to be construed as references to Guernsey are references to Her Majesty's Government in the United Kingdom, to aircraft registered in, or in a country other than, or outside, the United Kingdom, and to a country or state other than the United Kingdom, and references in Article 86(2), in the definitions in Article 89(1) of "The Commonwealth", "Competent authority", "Contracting State" and "Notified" and in Schedules 9, 11 and 12.

(a) 1949 c. 67.
(b) 1971 c. 75.
(c) S.I. 1953/393 (1953 I, p. 270).
(d) S.I. 1966/688 (1966 II, p. 1546).
(e) S.I. 1972/450 (1972 I, p. 1660).
(f) 1968 c. 61.
(g) S.I. 1966/689 (1966 II, p 1548).
(h) 1889 c. 63.
(i) S.I. 1972/129 (1972 I, p. 366).

3. Article 1(2) shall be omitted.

4. Article 2(1) shall be omitted.

5. Article 4 shall be omitted.

6. In Article 25(3) the references to the Authority in the first sentence shall be construed as including the Board.

7. In Article 29(1) for the reference to the Authority in the first sentence there shall shall be substituted references to the Board.

8. In Article 39(1)(*b*) after the word "Authority" there shall be inserted the words "or of the Board".

9. In Article 50(7) after the word "Authority" there shall be inserted the words "or by the Board".

10.—(1) In Article 61(1) for the reference to the Secretary of State there shall be substituted a reference to the Board.

(2) In Article 61(3) sub-paragraph (*b*) shall be omitted.

(3) In Article 61(4) for the words from "the competent authority" to the end of the paragraph there shall be substituted the words "the Board".

11. In Article 63(1)—

(*a*) for the words from "the Rules" to "visiting force)" there shall be substituted the words—

"the Rules of the Air and Air Traffic Control (Guernsey) Regulations 1967, or any Regulations made in substitution of those Regulations, or at any aerodrome or place (not being an aerodrome) at which air traffic control service is provided under the direction of the Board";

(*b*) in sub-paragraph (*d*) for the references to the Authority and a Government Department there shall be substituted references to the States Civil Service Board and the Board respectively and the words "at a Government aerodrome or at an aerodrome owned or managed by the Authority or" and "or the Authority" shall be omitted.

12. In Article 65(1) for the references to the Secretary of State there shall be substituted references to the Board.

13. In Article 66(1) for the reference to the Authority there shall be substituted a reference to the Board.

14. In Article 67(1) for the words preceding the proviso there shall be substituted the following words:—

"An aircraft engaged on a flight for the purpose of the public transport of passengers or for the purpose of instruction in flying shall not take off or land at any place in Guernsey other than an aerodrome licensed under this Order for the take-off and landing of aircraft so engaged, and in accordance with any condition subject to which the aerodrome may have been so licensed".

15. Article 68 shall be omitted.

16.—(1) In Article 69(1) and (2) for the references to the Authority there shall be substituted references to the Royal Court.

(2) For Article 69(5) there shall be substituted the following paragraph:—

"(5) A licence granted under this Article shall remain in force as may be specified in the licence, but may at any time be varied, revoked or suspended by the Royal Court.".

17. Article 71 shall be omitted.

18. In Article 73 for the references to the Secretary of State there shall be substituted references to the Board and the words "Government aerodromes, aerodromes owned or managed by the Authority" shall be omitted.

19. In Article 74(1), (2) and (4) for the references to the Authority there shall be substituted references to the Board and Article 74(3) shall be omitted.

20.—(1) In Article 75(2) for references to the Authority there shall be substituted references to the Board.

(2) Article 75(4) shall be omitted.

21. For Article 76 there shall be substituted the following Article:—

"76.—(1) The Board may, subject to such conditions as the Board think fit, by order designate any aerodrome to be a place for the landing or departure of aircraft for the purpose of the enactments for the time being in force relating to customs.

(2) The Board may by order revoke any designation so made.".

22. In Article 79(1) and (2) after the word "Authority" wherever it occurs there shall be inserted the words "the Board".

23. In Article 80 after the word "Authority" there shall be inserted the words "the Board" and the proviso shall be omitted.

24. For Article 84 and the heading thereto there shall be substituted the following heading and Article:—

"*Extent of the Order*

84. The provisions of this Order shall apply to all aircraft within Guernsey.".

25. In Article 85 for the reference to the Authority there shall be substituted a reference to the Board.

26. In Article 87 for the reference to the Authority there shall be substituted a reference to the Board in relation to any provision of this Order where the Board is substituted for the Authority by this Order and in relation to any regulation made under that provision and the words and figures in parenthesis shall be omitted.

27.—(1) In Article 88(1) the words "Subject to paragraph (2) of this Article" shall be omitted and for the words "a county court" there shall be substituted the words "the Royal Court sitting as an Ordinary Court".

(2) Article 88(2) and (5) shall be omitted.

28. In Article 89(1)—

(i) in the definition of "Air traffic control unit" for the word "Authority" there shall be substituted the word "Board";

(ii) for the definition of "Authorised person" there shall be substituted the following definition:—

' "Authorised person" for the purposes of any provision of this Order means—

(*a*) any police officer; and

(*b*) any person authorised by the Authority or the Board either generally or in relation to a particular case or class of cases;';

(iii) for the definition of "the Authority" there shall be substituted the following definition:—

' "the Authority" means the Civil Aviation Authority constituted by section 1 of the Civil Aviation Act 1971, as extended to the Channel Islands by the Civil Aviation Act 1971 (Channel Islands) Order 1972;';

(iv) after the definition of "Beneficial interest" there shall be inserted the following definition:—

' "the Board" means the Board of Administration of the States of Guernsey;';

(v) the definition of "General lighthouse authority" shall be omitted;

(vi) the definition of "Government aerodrome" shall be omitted;

(vii) after the definition of "Pilot in command", there shall be inserted the following definition:—

' "Police officer" means, in relation to Guernsey, a member of the salaried police force of the Island of Guernsey and also, within the limit of his jurisdiction, a member of the special constabulary of that Island and, in relation to Alderney, a member of any police force which may be established by the States of Alderney and, in relation to Sark, the Constable and the Vingtenier of that Island;';

(viii) for the definition of "Prescribed" there shall be substituted the following definition:—

"Prescribed" means prescribed by regulations made by the Secretary of State or the Board by virtue of this Order, and the expression "prescribe" shall be construed accordingly;".

29. In Schedule 2, any reference to a Government aerodrome or an aerodrome owned or managed by the Authority shall be omitted.

30. In Schedule 12, the reference to the Wireless Telegraphy Act 1949(**a**) shall be construed as a reference to that Act as extended to Guernsey by the Wireless Telegraphy (Channel Islands) Order 1952(**b**).

(**a**) 1949 c. 54. (**b**) S.I. 1952/1900 (1952 III, p. 3414).

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order provides that the provisions of the Air Navigation Order 1972 shall apply, with certain modifications and adaptations, to Guernsey.

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