STATUTORY INSTRUMENTS

1981 No. 1805

CIVIL AVIATION

The Air Navigation (Guernsey) Order 1981

Made - - - -	*16th December* 1981
Laid before Parliament	*11th January* 1982
Coming into Operation	*2nd February* 1982

At the Court at Buckingham Palace, the 16th day of December 1981

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 8, 41, 57, 58 and 61 of the Civil Aviation Act 1949(a), 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 Air Navigation (Guernsey) Order 1981 and shall come into operation on 2nd February 1982.

2. The Air Navigation (Guernsey) Order 1972(b) is hereby revoked.

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

4. The Air Navigation Order 1980(c) shall have effect in Guernsey with the exceptions, adaptations and modifications specified in the Schedule to this Order.

N. E. Leigh,

Clerk of the Privy Council.

(a) 1949 c. 67; section 8 was amended by section 62(1) of the Civil Aviation Act 1971 (c. 75) and the sections cited above were extended to Guernsey by the Civil Aviation Act (Channel Islands) Order 1953 (S.I. 1953/393), as amended by the Civil Aviation Act (Channel Islands) Order 1966 (S.I. 1966/688), and the Civil Aviation Act 1971 (Channel Islands) Order 1972 (S.I. 1972/450).

(b) S.I. 1972/453.

(c) S.I. 1980/1965.

Article 4 SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE APPLICATION OF THE AIR NAVIGATION ORDER 1980 TO GUERNSEY

1. Any reference to the Civil Aviation Act 1949 shall be construed as a reference to that Act as it extends to Guernsey.

2.—(1) Except in the case of the references specified in the next following sub-paragraph, any reference to the United Kingdom 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:

(*a*) to Her Majesty's Government in the United Kingdom;

(*b*) to aircraft (including a flying machine) registered in, or in a country other than, or outside, the United Kingdom;

(*c*) to a country or state other than the United Kingdom;

(*d*) in Articles 9(4), 10(5)(*b*), 11(5), 34(2), and 90(2);

(*e*) in the definitions in Article 93(1) of " the Commonwealth ", " Competent authority ", " Contracting State " and " Notified ", and

(*f*) in Schedules 11 and 12.

3. In Article 1 (Citation and commencement), the words after " 1980 " shall be omitted.

4. In Article 2 (Revocation), paragraph (1) shall be omitted, and for the words " any Order revoked by this Order ", wherever they occur, there shall be substituted the words " the Air Navigation (Guernsey) Order 1972 ".

5. Article 4 (Registration of aircraft) shall be omitted.

6. At the end of Article 24 (Operations manual), there shall be added the following paragraph:—

" (6) The operator of any aircraft to which this Article applies and which flies into or out of an aerodrome in Guernsey licensed under this Order shall, if the Board so require, furnish the Board with a copy of the whole of the operations manual for the time being in force in respect of that aircraft.".

7. At the end of Article 25 (Training manual), there shall be added the following paragraph:—

" (4) The operator of any aircraft to which this Article applies and which flies into or out of an aerodrome in Guernsey licensed under this Order shall, if the Board so require, furnish the Board with a copy of the whole of his training manual relating to the crew of that aircraft.".

8. In Article 28(5) (Public transport—operating conditions), sub-paragraph (*b*) shall be omitted.

9. At the end of Article 30 (Aircraft not registered in the United Kingdom—aerodrome operating minima), there shall be added the following paragraph:—

" (5) The operator of a public transport aircraft registered in a country other than the United Kingdom which flies in or over Guernsey shall, if the Board so require, copy to the Board any particulars furnished to the Authority under paragraph (1) above. ".

10. Article 40 (Issue of Aerial Application Certificate) shall be omitted.

11. In Article 42(1)(*b*) (Carriage of dangerous goods), after the word " Authority " there shall be inserted the words " or of the Board ".

12. At the end of Article 59 (Revocation etc.), there shall be added the following paragraph:—

"(6) The foregoing provisions of this Article shall apply in relation to an aerodrome licence granted by the Royal Court under Article 70 of this Order as if for reference to the Authority there were substituted references to the Royal Court.".

13. In Article 61 (Rules of the air and air traffic control):—

(i) in paragraph (1), for the reference to the Secretary of State there shall be substituted a reference to the Board;

(ii) sub-paragraph (*b*) of paragraph (3) shall be omitted; and

(iii) in paragraph (4), for the words from "competent authority" to the end of the paragraph there shall be substituted the word "Board".

14. Article 64 (Flight information service manual) shall be omitted.

15. In Article 66(1) (Power to prohibit and restrict flying), for the references to the Secretary of State there shall be substituted references to the Board and in paragraph (*aa*) the words "or in the neighbourhood of an offshore installation" shall be omitted.

16. In Article 67(1) (Balloons, kites and airships), for the reference to the Authority there shall be substituted a reference to the Board.

17. For Article 68(1) (Aerodromes: public transport of passengers and instruction in flying), there shall be substituted the following paragraph:—

"(1) An aircraft to which this paragraph applies 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 such aircraft, and in accordance with any condition subject to which the aerodrome may have been so licensed.".

18. Article 69 (Use of Government and Authority aerodromes) shall be omitted.

19. In Article 70 (Licensing of aerodromes), for any reference to the Authority there shall be substituted a reference to the Royal Court.

20. Article 71 (Radio equipment at aerodromes), Article 72 (Records at aerodromes) and Article 73 (Charges at aerodromes licensed for public use) shall be omitted.

21. In Article 75 (Noise and vibration caused by aircraft at aerodromes), for any reference to the Secretary of State there shall be substituted a reference to the Board and the words "Government aerodromes, aerodromes owned and managed by the Authority" shall be omitted.

22. In Article 76 (Aeronautical lights):—

(i) for any reference to the Authority there shall be substituted a reference to the Board; and

(ii) paragraph (3) shall be omitted.

23. In Article 77 (Dangerous lights):—

(i) for any reference to the Authority there shall be substituted a reference to the Board; and

(ii) paragraph (4) shall be omitted.

24. Article 78 (Customs and Excise airports) shall be omitted.

25. In Article 82 (Mandatory reporting):—

(*a*) in paragraph (1), sub-paragraphs (*d*) and (*e*) shall be omitted and for sub-paragraphs (i) and (ii) there shall be substituted the following provisions:—

" (i) make a report to the Authority and the Board of any reportable occurrence of which he knows and which is of such a description as may be prescribed ; each report shall be made within such time, by such means, and shall contain such information as may be prescribed and shall be presented in such form as the Authority may in any particular case approve, and

(ii) make a report to the Authority and the Board, within such time, by such means and containing such information as the Authority or the Board, as the case may be, may specify in a notice in writing served upon him, being information which is in his possession or control and which relates to a reportable occurrence which has been reported by him or by another person to the Authority and the Board in accordance with this Article." ;

(*b*) at the end of paragraph (2), there shall be added the following words:—

" nor shall any accident of which notification has been given under Article 7 of the Civil Aviation (Investigation of Accidents) (Guernsey) Order 1972 " ; and

(*c*) in paragraph (3), after the words " the Authority " there shall be inserted the words " and the Board ".

26. In Article 83 (Power to prevent aircraft flying), after the word " Authority ", wherever it occurs, there shall be inserted the words " the Board ".

27. In Article 84 (Right of access to aerodromes), paragraph (*a*) shall be omitted and for the proviso there shall be substituted the following provision:—

" Provided that access to an aerodrome managed by the Board shall only be obtained with the permission of the person in charge of the aerodrome. ".

28. In Article 87(6) (Penalties), for the words " the statutory maximum " there shall be substituted " £1,000."

29. For Article 88 (Extra-territorial effect of the Order) and the heading thereto, there shall be substituted the following Article and heading:—

"Extent of the Order

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

30. In Article 89 (Application of Order to British-controlled aircraft not registered in the United Kingdom), after the words " the Authority " there shall be inserted the words " or the Board ".

31. In Article 91 (Exemption from Order):—

(*a*) 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 and in relation to any regulations made under any such provision ; and

(*b*) the words " (other than Articles 80, 81 or 92 thereof) " shall be omitted.

32. In Article 92 (Appeal to County Court and Sheriff's Court):—

(*a*) there shall be substituted the following heading:

" Appeal to the Royal Court sitting as an Ordinary Court ",

(*b*) in paragraph (1) ;

(i) the words " Subject to paragraph (2) of this Article " shall be omitted ; and

(ii) for the words " a county court " there shall be substituted the words " the Royal Court sitting as an Ordinary Court " ; and

(*c*) paragraphs (2) and (5) shall be omitted.

33. In Article 93 (1) (Interpretation):—

(i) in the definitions of " Aerodrome flight information unit " and " 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 " 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) at the end of the definition of " Authority ", there shall be added the following words:—

" constituted by section 1 of the Civil Aviation Act 1971, as extended to Guernsey 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) the definition of " Offshore installation " shall be omitted ;

(viii) 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 Vingtenier of that Island ; ' ;

(ix) in the definition of " Prescribed ", for the word " under " there shall be substituted the words " or the Board by virtue of " ; and

(x) the definition of " statutory maximum " shall be omitted.

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

35. 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.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order revokes the Air Navigation (Guernsey) Order 1972 y which the Air Navigation Order 1972 (S.I. 1972/129) was extended to the Bailiwick of Guernsey. This Order provides that the Air Navigation Order 1980 shall have effect in the Bailiwick with the exceptions, adaptations and modifications specified in the Schedule to this Order (which take account of the particular administrative and other conditions prevailing there).

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