1953 No. 393

The Civil Aviation Act (Channel Islands) Order, 1953

Made - - - -	11*th March*, 1953
Laid before Parliament	12*th March*, 1953
Coming into Operation	20*th April*, 1953

At the Court at Buckingham Palace, the 11th day of March, 1953

Present,

The Queen's Most Excellent Majesty in Council

Whereas by subsection (1) of section sixty-seven of the Civil Aviation Act, 1949(a) (hereafter in this Order referred to as "the Act"), it is provided that Her Majesty may by Order in Council direct that any of the provisions of the Act shall extend, with such exceptions, modifications and adaptations, if any, as may be specified in the Order, to any of the Channel Islands:

Now, therefore, Her Majesty in pursuance of the power conferred upon Her by the said section sixty-seven is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The provisions of the Act shall extend to the Channel Islands with the exceptions, modifications and adaptations specified in the Schedule to this Order.

2. In this Order the expression "the Channel Islands" means the Bailiwicks of Jersey and Guernsey and the territorial waters adjacent thereto.

3. The Interpretation Act, 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

4. This Order may be cited as the Civil Aviation Act (Channel Islands) Order, 1953, and shall come into operation on the twentieth day of April, 1953.

W. G. Agnew.

SCHEDULE

EXCEPTIONS, MODIFICATIONS AND ADAPTATIONS

PART I

EXCEPTIONS

(Provisions of the Act which are not extended)

Section seven.
In section eight, paragraph (*o*) of subsection (2) and subsections (5) and (6).
Section twelve.
In section thirteen, subsections (3) and (4).
Section fifteen.
In section sixteen, subsections (1) and (2).
Sections seventeen to twenty-two.
In section twenty-three, subsections (1), (3), (4), (8), (9), (10) and (11).
Sections twenty-four to thirty-seven.
Section thirty-nine.
In section forty-three, subsection (5) and paragraph (*b*) of subsection (6).

(a) 12, 13 & 14 Geo. 6. c. 67. (b) 52 & 53 Vict. c. 63.

Section forty-seven.
In section fifty-two, subsections (2) and (4) and paragraphs (*a*) and (*b*) of subsection (5).
Section fifty-five.
In section sixty-three, subsections (2) and (7).
Sections sixty-four to sixty-seven.
In section sixty-eight, subsection (1).
Section sixty-nine.
First Schedule.
Second Schedule.
Third Schedule.
Fourth Schedule.
In the Sixth Schedule, paragraph 7 and sub-paragraphs (3) and (4) of paragraph 8.
Seventh Schedule.
Ninth Schedule.
Tenth Schedule.
Eleventh Schedule.

PART II

MODIFICATIONS AND ADAPTATIONS

1. Any reference to the Civil Aviation Act, 1949, shall be construed as a reference to that Act as extended to the Channel Islands by this Order.

2. In section eight—

(*a*) in subsection (2), for the words "the United Kingdom", wherever they occur, there shall be substituted the words "the Channel Islands";

(*b*) in subsection (3), for the words "the United Kingdom", where they first occur, there shall be substituted the words "the Channel Islands" and immediately after the words "the United Kingdom", where they secondly occur, there shall be inserted the words "or the Channel Islands".

3. In section nine—

(*a*) in subsection (1), for the words "the United Kingdom" there shall be substituted the words "the Channel Islands";

(*b*) for subsection (3) there shall be substituted the following subsection:—

"(3) Any person who suffers direct injury or loss, owing to the operation of an Order of the Secretary of State under this section, shall be entitled to receive compensation from the Secretary of State, the amount thereof to be fixed, in default of agreement, by reference to arbitration wherein one arbitrator shall be appointed by the Secretary of State and the other by the person claiming to suffer injury or loss, and before the arbitration is proceeded with an umpire shall be appointed by the Royal Court, the award of the arbitrators, if not in disagreement, or of the umpire if the arbitrators disagree, to be final and binding; and any arbitration under this subsection shall, unless the person claiming to have suffered direct injury or loss otherwise in writing agrees, be held in Jersey or Guernsey, as the case may be:

Provided that no compensation shall be payable by reason of the operation of a general Order under this section prohibiting flying in the Channel Islands or any part thereof.".

4. For section ten there shall be substituted the following section:—

"10.—(1) Her Majesty may by Order in Council provide for the investigation of any accident arising out of or in the course of air navigation and occurring in or over Jersey or Guernsey.

(2) Without prejudice to the generality of the foregoing provision, an Order in Council made under this section may contain provisions—

(*a*) requiring notice to be given of any such accident as aforesaid in such manner and by such persons as may be specified in the Order in Council;

(*b*) prohibiting, pending investigation, access to or interference with aircraft to which an accident has occurred, and authorising any person, so far as may be necessary for the purposes of an investigation, to have access to, examine, remove, take measures for the preservation of, or otherwise deal with, any such aircraft;

(*c*) authorising or requiring the cancellation, suspension, endorsement or surrender of any licence or certificate granted under this Part of this Act, or any Order in Council or Order made under this Part of this Act, where it appears on an investigation that the licence ought to be cancelled, suspended, endorsed or surrendered, and requiring the production of any such licence for the purpose of being so dealt with:

Provided that nothing in this section shall limit the powers of any authority under sections five hundred and thirty to five hundred and thirty-seven inclusive of the Merchant Shipping Act, 1894, or any enactment amending those sections.

(3) If any person contravenes or fails to comply with an Order in Council under this section, he shall be liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(4) Any expenses incurred by a Secretary of State or the Minister in the exercise of any power conferred upon him under this section, including the expenses of any investigation under this section, shall be provided out of moneys provided by Parliament.

(5) Part VI of this Act applies to this section.".

5. In section eleven, in subsection (1), the word "summary" shall be omitted.

6. In section thirteen, in subsection (1), immediately after the words "Order in Council" there shall be inserted the words "upon the petition of the States of Jersey or the States of Guernsey, as the case may be,"; in paragraph (*a*) for the words "the United Kingdom" there shall be substituted the words "the Channel Islands" and in paragraph (*f*) the words "subject to the consent of the Treasury" shall be omitted.

7. In section fourteen—

(*a*) in the proviso to subsection (1), for the words "the United Kingdom" except where they occur as part of the expression "some part of the United Kingdom" there shall be substituted the words "the Channel Islands", and for the expression "some part of the United Kingdom" there shall be substituted the expression "any one of the Channel Islands";

(*b*) in subsection (3), the words "on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both or," and the words "on indictment" shall be omitted.

8. In section sixteen, in subsection (3), for the words "The Minister" there shall be substituted the words "The Insular Authority", and for the words "he" and "him" there shall be substituted the word "it".

9. In section twenty-three—

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

"(2) The Minister may acquire by agreement land and any right in or in relation to land.";

(*b*) the proviso to subsection (5) and the last paragraph of subsection (7) shall be omitted.

10. In section thirty-eight, in subsection (1), the word "summary" shall be omitted.

11. In section forty-two—

(*a*) in subsection (4), for the words "the High Court" there shall be substituted the words "the Royal Court";

(*b*) in subsection (6), immediately after the words "the Carriage by Air Act, 1932", there shall be inserted the words "as extended to any of the Channel Islands by Order in Council made under that Act".

12. In section forty-three—

(*a*) in subsection (2), the word "summary" shall be omitted;

(*b*) for subsection (3) there shall be substituted the following subsection:—

"(3) The foregoing provisions of this section shall not apply to an aircraft of which the owner is the States of Jersey or the States of Guernsey.".

13. In section forty-five, the words enclosed in brackets shall be omitted.

14. In section forty-six, the word "summary" in both places where it occurs shall be omitted.

15. In section forty-eight, in paragraph (*b*) of subsection (1), immediately after the words "the United Kingdom", where they first occur, there shall be inserted the words "or any of the Channel Islands" and for the words "the United Kingdom", where they secondly occur, there shall be substituted the words "the Channel Islands".

16. For section fifty there shall be substituted the following section:—

"50. The provisions of sections forty-two to forty-six and section forty-eight of this Act shall not come into operation until such day as Her Majesty may by Order in Council appoint, and references in this Part of this Act to the appointed day shall be construed as references to the beginning of the day so appointed.".

17. In section fifty-one, in subsection (3), the words from "and the expression" to the end of the subsection shall be omitted.

18. In section fifty-two, for subsection (3) there shall be substituted the following subsection:—

"(3) Any power or duty to provide for the regulation of ships or vessels exercisable by any authority in Jersey or Guernsey shall be construed as including a power or duty to provide for the regulation of 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:

Provided that in no circumstances shall the dismantling of a seaplane or any part thereof or the making of any alteration whatever of the structure or equipment of a seaplane be required or authorised by any such authority, or by a harbour master or other officer thereof.".

19. In section fifty-three, for the words "the United Kingdom" wherever they occur there shall be substituted the words "the Channel Islands".

20. For section fifty-six there shall be substituted the following section:—

"56. The Insular Authority may by regulations make provision for securing the safe custody and re-delivery of any property which, while not in proper custody, is found on any premises belonging to the Insular Authority or under its control, or on any premises occupied by one of the Airways Corporations or in any aircraft on any such premises, and any such regulations may in particular—

(*a*) provide for requiring charges to be paid in respect of any such property before it is re-delivered;

(*b*) provide for authorising the disposal of any such property if it is not re-delivered before the expiration of any such period as may be specified in the regulations.".

21. In section fifty-seven, immediately after subsection (3) there shall be added the following subsection:—

"(4) Any Order in Council under this Act and any Order or regulations made by the Secretary of State or the Minister under this Act or any directions given under any such Order or regulations shall not come into force in Jersey or Guernsey until registered in the Royal Court.".

22. In section sixty-three, in subsection (1), the definitions of "appropriate Minister", "local authority", "owner" and "statutory undertaker" shall be omitted, and immediately after the definition of "Airways Corporations" there shall be inserted the following definitions:—

"'the Channel Islands' means the Bailiwicks of Jersey and Guernsey and the territorial waters adjacent thereto and any reference to Jersey or Guernsey shall be construed as a reference to the respective Bailiwick and territorial waters;

'Insular Authority' means, in the case of Jersey, the States of Jersey and, in the case of Guernsey, the States of Guernsey;";

in the definition of "land", for the words "section nineteen and" there shall be substituted the word "section"; and immediately after the definition of "purposes of civil aviation" there shall be inserted the following definition:—

"'the Royal Court' means, in the case of Jersey, the Inferior Number of the Royal Court and, in the case of Guernsey, the Royal Court sitting as an Ordinary Court".

23. In section sixty-eight, in subsection (2), immediately after the words "Merchant Shipping (Safety and Load Line Conventions) Act, 1932" there shall be inserted the words "as extended to the Channel Islands"; and immediately after the words "until the commencement of" there shall be inserted the words "any Order in Council extending to Jersey or Guernsey, as the case may be,".

24. In section seventy, for subsections (1), (2), (3) and (5), there shall be substituted the following subsections:—

"(1) Subject to the provisions of this section, the Orders in Council set out in the Twelfth Schedule to this Act are hereby revoked to the extent specified in the third column of that Schedule.

(2) Nothing in this revocation shall affect any instrument or other thing whatsoever made or done or having effect under any enactment extended to the Channel Islands by any Order in Council revoked by this Act and every such instrument or thing shall continue in force and, so far as it could have been made or done under this Act, shall have effect as if made or done under this Act.

(3) Nothing in this revocation shall affect the terms and conditions on and subject to which any person held office and served before the date of the extension of this Act to the Channel Islands.

(5) Any document referring to any Act or enactment extended to the Channel Islands by any Order in Council revoked by this Act shall be construed as referring to this Act or the corresponding enactment in this Act.".

25. In the Sixth Schedule—

(*a*) in sub-paragraph (2) (*a*) (ii) of paragraph 1, for the words "the United Kingdom" there shall be substituted the words "the Channel Islands";

(*b*) in sub-paragraph (4) of paragraph 2, for the words "the High Court" there shall be substituted the words "the Royal Court";

(*c*) in sub-paragraph (5) of paragraph 2, the words "in any other court" shall be omitted;

(*d*) in sub-paragraph (7) of paragraph 2, the words from "and except in Scotland" to the end of the sub-paragraph shall be omitted;

(*e*) in paragraph 3, for the words "subsection (1) or subsection (2) of section one of the Third Parties (Rights against Insurers) Act, 1930" there shall be substituted the words "paragraph (1) of Article 1 of the Third Parties (Rights against Insurers) (Jersey) Law, 1948, or subsection (1) of section one of the Third Parties (Rights against Insurers) (Guernsey) Law, 1936, as the case may be";

(*f*) in sub-paragraph (2) of paragraph 4, the word "summary" shall be omitted;

(*g*) in sub-paragraph (1) of paragraph 5, for the words "statutory declaration" there shall be substituted the words "declaration before a Jurat or a Notary Public";

(*h*) in sub-paragraph (2) of paragraph 5, the word "summary" shall be omitted;

(*i*) in sub-paragraph (2) of paragraph 8, the word "summary" shall be omitted.

26. In the Eighth Schedule, for the words "the United Kingdom", in both places where they occur, there shall be substituted the words "the Channel Islands".

27. For the Twelfth Schedule there shall be substituted the following Schedule:—

"TWELFTH SCHEDULE

REVOCATIONS

S. R. & O. reference	Title	Extent of Revocation
1939/708; Rev. I, p. 1189. 1939 I, p. 93.	The Air Navigation Acts (Extension to the Channel Islands) Order, 1939.	The whole Order, except so much thereof as extends to the Channel Islands sections twenty-four and twenty-six of the Air Navigation Act, 1936.
1947/528; Rev. I, p. 1194. 1947 I, p. 238.	The Civil Aviation Act (Extension to the Channel Islands) Order, 1947.	So much thereof as extends to the Channel Islands any enactment corresponding to an enactment in the Civil Aviation Act, 1949.".

COLONIES

1953 No. 591

The Colonial Civil Aviation (Application of Act) (Amendment) Order, 1953

Made - - - -	1*st April*, 1953
Laid before Parliament	2*nd April*, 1953
Coming into Operation	30*th June*, 1953

At the Court at Windsor Castle, the 1st day of April, 1953

Present,

The Queen's Most Excellent Majesty in Council

Whereas in exercise of the powers vested in Her by virtue of the Civil Aviation Act, 1949(a), Her Majesty was pleased to make the Colonial Civil Aviation (Application of Act) Order, 1952(b) (hereinafter referred to as "the principal Order"), extending certain of the provisions of the said Act, adapted and modified as provided in the principal Order, to the territories therein mentioned:

And Whereas section 13 of the said Act relates to the making of regulations for the licensing of air transport and commercial flying:

(a) 12, 13 & 14 Geo. 6. c. 67.
(b) S.I. 1952/868; 1952 I, p. 565.