

This Statutory Instrument has been made in part in consequence of defects in S.I. 2001/1452, 2001/3367 and 2019/756 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2021 No. 477

CIVIL AVIATION

The Civil Aviation Act 1982 (Overseas Territories) Order 2021

Made - - - - *28th April 2021*

Coming into force - - *26th May 2021*

At the Court at Windsor Castle, the 28th day of April 2021

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by section 108 of the Civil Aviation Act 1982(a).

Her Majesty, by and with the advice of Her Privy Council, orders as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Civil Aviation Act 1982 (Overseas Territories) Order 2021 and it comes into force on 26th May 2021.

(2) In this Order, “the Act” means the Civil Aviation Act 1982.

Extension of provisions of the Act to Anguilla and to Pitcairn, Henderson, Ducie and Oeno Islands

2. The provisions of the Act specified in the first column of the table in the Schedule extend to Anguilla and to Pitcairn, Henderson, Ducie and Oeno Islands with the modifications specified in the second column of that table.

Amendment of the Civil Aviation Act 1982 (Overseas Territories) Order 2001

3.—(1) The Civil Aviation Act 1982 (Overseas Territories) Order 2001(b) is amended as follows.

(a) 1982 c. 16. Section 108 was amended by section 83(1) of, and paragraph 8(2) of Schedule 4 to, the Airports Act 1986 (c. 31) and S.I. 2001/4050.

(b) S.I. 2001/1452, as amended by S.I. 2011/2979.

(2) In Schedule 2 (territories to which the Order extends sections 61 and 75 of the Act), omit the entry for Anguilla and the entry for Pitcairn, Henderson, Ducie and Oeno Islands.

Amendment of the Civil Aviation Act 1982 (Overseas Territories) (No. 2) Order 2001

4.—(1) The Civil Aviation Act 1982 (Overseas Territories) (No. 2) Order 2001(a) is amended as follows.

(2) In Schedule 2 (territories to which the Order extends section 76(4) of the Act), omit the entry for Anguilla and the entry for Pitcairn, Henderson, Ducie and Oeno Islands.

Amendment of the Civil Aviation Act 1982 (Anguilla) Order 2019

5. The Civil Aviation Act 1982 (Anguilla) Order 2019(b) is revoked.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE

Article 2

<i>Provisions extended</i>	<i>Modifications (including additions, amendments and omissions) of the provisions of the Act which are extended to Anguilla and to Pitcairn, Henderson, Ducie and Oeno Islands</i>
Section 39 (trespassing on licensed or authorised aerodromes)(c)	In the heading, omit “or authorised”. In subsection (1)— (a) omit “or authorised by a certificate under the Aerodromes Regulation”; (b) omit “summary”; (c) for “level 3 on the standard scale” substitute “£1,000, or its equivalent in the currency of the Territory”.
Section 47, subsections (1) to (8) and (10) (warning of presence of obstructions near licensed or authorised aerodromes)(d)	In the heading, omit “or authorised”. For “Secretary of State”, in each place it occurs in subsections (1) to (4), substitute “Governor”. In subsection (1), omit “or authorised”. In subsection (4), for “Lord Chief Justice or, in Scotland, by a single arbiter appointed by the Lord President of the Court of Session” substitute “Chief Justice or other chief judicial officer of the Territory”. In subsection (7)— (a) omit “summary”, in both places it occurs; (b) for “level 4 on the standard scale or to both” substitute “£2,500, or its equivalent in the currency of the Territory, or to both such

(a) S.I. 2001/3367, as amended by S.I. 2008/3120 and S.I. 2011/2980.

(b) S.I. 2019/756.

(c) Section 39 was amended by section 83(1) of the Anti-terrorism, Crime and Security Act 2001 (c. 24) and S.I. 2014/3302.

(d) Section 47 was amended by section 46 of the Criminal Justice Act 1982 (c. 48), section 289G of the Criminal Procedure (Scotland) Act 1975 (c. 21) and S.I. 1984/703 and 2014/3302.

Section 60 (power to give effect to Chicago Convention and to regulate air navigation, etc.)(a)

imprisonment and such a fine”;
(c) for “level 3 on the standard scale” substitute “£1,000, or its equivalent in the currency of the Territory”.
In subsection (10)—
(a) omit the definition of “authorised aerodrome”;
(b) in the definition of “licensed aerodrome”, omit the words “, but does not include any premises belonging to the Secretary of State”;
(c) omit the words from “and nothing in section 104(1)” to the end.
In subsection (1), omit “Subject to section 11(7) above,”.
In subsection (3)—
(a) for “United Kingdom”, in each place it occurs, substitute “Territory”;
(b) omit paragraph (ha);
(c) in paragraph (p), for “specifying, subject to the consent of the Treasury,” substitute “prescribing, or enabling the Governor to prescribe,”.
In subsection (4), for “United Kingdom”, in both places it occurs, substitute “Territory”.
After subsection (6), insert—

“(7) An Air Navigation Order may authorise the Governor to give instructions for the purposes of the Order in respect of such matters as may be specified in the Order.”.

Section 61, subsections (1) and (2) (Air Navigation Orders: Supplemental)
Section 64, subsections (1) and (2) (restriction of unlicensed carriage by air for reward)(b)

No modification.
In subsection (1)—
(a) for “No aircraft” substitute “The Governor may, with the consent of the Secretary of State, make regulations to secure that no aircraft”;
(b) for “CAA in pursuance of section 65 below (in this Act referred to as an “air transport licence”)” substitute “authority specified in the regulations”.
For subsection (2) substitute—
“(2) Regulations made under subsection (1) may make provision—
(a) as to the circumstances in which a licence under the regulations may or shall be granted, refused, revoked or suspended, and in particular as to the matters to which the

(a) Section 60 was amended by section 83(5) of, and Part 2 of Schedule 6 to, the Airports Act 1986, section 8(5) of the Civil Aviation Act 1986 (c. 34), section 47 of the Aviation and Maritime Security Act 1990 (c. 31) and section 1 of, and Part 5 of Schedule 1 to, the Statute Law Repeals Act 1995 (c. 44). Section 60(5) was repealed by S.I. 1994/426.
(b) Section 64(2) was amended by section 1 of, and Part 5 of Schedule 1 to, the Statute Law Repeals Act 1995 and S.I. 1992/2992 and 2009/41.

authority specified in the regulations is to have regard in deciding whether to grant or refuse such a licence;

- (b) as to appeals from the authority by persons interested in the grant, refusal, revocation or suspension of any licence under the regulations;
- (c) as to the conditions which may be attached to such a licence (including conditions as to the fares, freight or other charges to be charged by the holder of the licence), and for securing compliance with any conditions so attached;
- (d) as to the information to be furnished by an applicant for, or the holder of, such a licence to the authority;
- (e) prescribing the fees to be paid in respect of the grant of any licence under the regulations, or enabling such fees to be prescribed by any person or authority specified in that behalf by the regulations.

(2A) Regulations made under subsection (1) may, for the purpose of securing compliance with the regulations, provide for the imposition of the following penalties—

- (a) in the case of a first offence against the regulations, a fine not exceeding £5,000, or its equivalent in the currency of the Territory, or imprisonment for a term not exceeding three months, or both such fine and such imprisonment; and
- (b) in the case of a second or subsequent offence against the regulations, a fine, or imprisonment for a term not exceeding two years, or both such fine and such imprisonment.

(2B) Subsection (1) above applies to—

- (a) any flight in any part of the world by an aircraft registered in the Territory; and
- (b) any flight beginning or ending

in the Territory by any aircraft.

(2C) Paragraphs 1, 2, 4 and 6 of Part 3 of Schedule 13, as modified in their application to the Territory by the Civil Aviation Act 1982 (Overseas Territories) Order 2021(a), apply to the power to make regulations under this section.”.

Section 75 (investigation of accidents)(b)

In subsection (1)—

(a) for “Secretary of State” substitute “Governor”;

(b) for “United Kingdom”, in both places it occurs, substitute “Territory”.

In subsection (3)(b), for “section 3 of the Notice of Accidents Act 1894” substitute “any law in force in the Territory in relation to the investigation of deaths or accidents”.

In subsection (3)(d), for “or an order under section 62 above” substitute “, or the withdrawal or suspension of any validation conferred in the Territory of a licence granted by a duly competent authority elsewhere,”.

In subsection (5)—

(a) omit “summary”;

(b) for “level 5 on the standard scale” substitute “£5,000 or its equivalent in the currency of the Territory,”.

In subsection (6), at the end insert “or any enactment amending those sections”.

After subsection (6), insert—

“(7) Paragraphs 1, 2, 4 and 6 of Part 3 of Schedule 13, as modified in their application to the Territory by the Civil Aviation Act 1982 (Overseas Territories) Order 2021, apply to the power to make regulations under this section.”.

Section 76 (liability of aircraft in respect of trespass, nuisance and surface damage)(c)

In subsection (1), omit “and of any orders under section 62 above”.

Section 77 (nuisance caused by aircraft on aerodromes)

No modification.

Section 84, subsections (3) and (4) (provision by others of information for the CAA and Secretary of State)(d)

For the heading substitute “Provision of information”.

For subsections (3) and (4) substitute—

“(3) Provision may be made by regulations made by the Governor, with the consent of the Secretary of State, for requiring—

(a) S.I. 2021/477.

(b) Section 75 was amended by section 46 of the Criminal Justice Act 1982, section 289G of the Criminal Procedure (Scotland) Act 1975 and S.I. 1984/703 and by Schedule 13 to the Merchant Shipping Act 1995 (c. 21).

(c) Section 76(1) was amended by section 106(3) of the Civil Aviation Act 2012 (c. 19).

(d) Section 84(3) was amended by S.I. 2014/3302. Section 84(4) was amended by section 46 of the Criminal Justice Act 1982, section 289G of the Criminal Procedure (Scotland) Act 1975 and S.I. 1984/703.

- (a) the persons specified in subsection (4) to provide information as may be specified by regulations in accordance with subsection (5) to such authorities as may be specified;
- (b) a person who is the operator or pilot in command of any aircraft arriving at, or departing from, an aerodrome in the Territory to provide the holder of the licence for that aerodrome with such information as may be necessary to enable the licence holder to comply with its obligations under the regulations.

(4) The following persons are specified for the purposes of subsection (3)(a)—

- (a) a person who carries on the business in the Territory of carrying passengers or goods in aircraft for hire or reward on such journeys or classes of journeys (whether beginning and ending at the same point or at different points) as may be specified in the regulations; or
- (b) a person who is the holder of a licence issued by the relevant authority in the Territory in respect of an aerodrome.

(5) The information specified for the purposes of subsection (3)(a)—

- (a) must be in such form and provided at such times as may be prescribed;
- (b) must be of such description as may be prescribed for—
 - (i) persons specified in subsection (4)(a) and persons employed in connection with the carrying on of such a business;
 - (ii) persons employed in connection with the use of the aerodrome;
 - (iii) persons employed by operators of aircraft arriving at, or departing

from, the aerodrome.

(6) If a person required to furnish information by virtue of subsection (3) fails to comply with the requirement or in purported compliance with the requirement knowingly or recklessly furnishes information which is false in a material particular, then—

(a) in the case of a first failure to comply with the requirement he shall be guilty of an offence and liable on conviction to a fine of an amount not exceeding £1000, or its equivalent in the currency of the Territory;

(b) in any other case he shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a term not exceeding two years or to both;

and a person who fails to comply with a requirement imposed on him in pursuance of subsection (3) shall be guilty of an offence by virtue of paragraph (a) of this subsection notwithstanding that at any relevant time he is outside the Territory and is neither a United Kingdom national nor a body incorporated under the law of the Territory.

(7) Paragraphs 1, 2, 4 and 6 of Part 3 of Schedule 13, as modified in their application to the Territory by the Civil Aviation Act 1982 (Overseas Territories) Order 2021, apply to the power to make regulations under this section.”.

Section 87 (application of law of wreck and salvage to aircraft)

In subsection (3), for “Her Majesty’s dominions” substitute “the Territory”.

In subsection (4)—

(a) for “Her Majesty may by Order in Council direct that any provisions of any Act” substitute “The Governor may by regulations direct that any provisions of any law of the Territory”;

(b) for “the Order” substitute “the regulations”.

For subsection (5) substitute—

“(5) For the purposes of this section, any provisions of any law of the Territory which relate to vessels laid by or neglected as unfit for sea service shall be deemed to be provisions relating to wreck.

(6) Paragraphs 1, 2, 4 and 6 of Part 3

	of Schedule 13, as modified in their application to the Territory by the Civil Aviation Act 1982 (Overseas Territories) Order 2021, apply to the power to make regulations under this section.”.
Section 89, subsections (1) to (4) (exemption of aircraft and parts thereof from seizure on patent claims)	For “United Kingdom”, in each place it occurs, substitute “Territory”.
Section 91 (jurisdiction in civil matters)	For “Her Majesty may by Order in Council” substitute “The Governor may by regulations”. At the end, insert— “; and paragraphs 1, 2, 4 and 6 of Part 3 of Schedule 13, as modified in their application to the Territory by the Civil Aviation Act 1982 (Overseas Territories) Order 2021, apply to the power to make regulations under this section.”.
Section 99, subsections (3) and (5) (offences)(a)	In subsection (5), omit the words from “, except” to the end.
Section 101 (power to apply certain provisions to Crown aircraft)(b)	In subsection (1), omit paragraph (b). In subsection (2), for “sections 60 and 61, 75 to 77, 87, 89, 91, 96 and 97” substitute “sections 60, 61 and 91”.
Section 102, subsections (2), (4) and (5) (powers to make Orders in Council, orders and regulations)	In the heading, omit “, orders and regulations”. In subsection (2)— (a) omit “, orders and regulations”, in both places it occurs; (b) for “the said Schedule 13” substitute “Schedule 13 to this Act”; (c) in paragraph (a), for “subsections (3) and (4)” substitute “subsection (4)”. In subsection (4)— (a) omit “, order or regulations”, in the first place it occurs; (b) omit “, order or regulations, as the case may be,”. In subsection (5)— (a) after “an order”, insert “or regulations”; (b) omit “specified in Part I of Schedule 13, except the power to make a vesting order under section 42(2) above,”; (c) after “the order”, insert “or regulations”. Omit all the definitions except the definitions of— “aerodrome”; “Air Navigation Order”; “cargo”;
Section 105, subsection (1) (general interpretation)	

(a) Section 99(5) was amended by section 83(5) of, and Part 2 of Schedule 6 to, the Airports Act 1986 and section 107(3) of the Civil Aviation Act 2012.

(b) Section 101(2) was amended by section 106(5) of the Civil Aviation Act 2012 and S.I. 2001/4050.

“the Chicago Convention”;
“flight”;
“loss or damage”;
“modifications”;
“operator”;
“prescribed”;
“reward”;
“United Kingdom national”.

After the definition of “flight”, insert—

““Governor” means the officer for the time being administering the Territory;”.

In the definition of “prescribed”, for “Secretary of State” substitute “Governor”.

After the definition of “reward”, insert—

““the Territory” means Anguilla, or Pitcairn, Henderson, Ducie and Oeno Islands, as the case may be;”.

Schedule 13 (subordinate instruments) Parts 2 and 3(a)

In Part 2—

(a) omit all rows other than the rows which make provision in respect of sections 60, 89(4), 91 and 101;

(b) for the entry in Column 3 (Parliamentary control) in respect of section 60 substitute—

“Subject to the negative resolution procedure.”.

In Part 3—

(a) in paragraph 3(1), for “Secretary of State” substitute “Governor”;

(b) in paragraph 4(1)—

(i) omit “, order”, in each place it occurs;

(ii) omit “or with any enactment which is mentioned in sub-paragraph (2) below;”;

(c) omit paragraph 4(2);

(d) in paragraph 6—

(i) for “United Kingdom”, in each place it occurs in sub-paragraphs (1) to (5), substitute “Territory”;

(ii) omit sub-paragraphs (7) and (9);

(iii) for “sub-paragraphs (5) and (7)”, in both places it occurs, substitute “sub-paragraph (5)”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision about the application of certain provisions of the Civil Aviation Act 1982 (“the Act”) to Anguilla and to Pitcairn, Henderson, Ducie and Oeno Islands (“the Pitcairn Islands”).

Article 2 and the Schedule extend certain provisions of the Act to Anguilla and to the Pitcairn Islands with the modifications specified in the Schedule.

(a) Schedule 13 was amended by section 101 of the Energy Act 2004 (c. 20) and by S.I. 1986/948; other amendments to Schedule 13 are not relevant.

Articles 3 and 4 make consequential amendments to remove references to Anguilla and the Pitcairn Islands from the Civil Aviation Act 1982 (Overseas Territories) Order 2001 (S.I. 2001/1452) and the Civil Aviation Act 1982 (Overseas Territories) (No. 2) Order 2001 (S.I. 2001/3367). Those Orders extended to Anguilla and to the Pitcairn Islands modified versions of sections 61, 75 and 76(4) of the Act, but the modifications were defective as they referred to provisions of the Civil Aviation Act 1949 which had never been extended to those territories.

Article 5 revokes the Civil Aviation Act 1982 (Anguilla) Order 2019 (S.I. 2019/756), which is replaced by this Order.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

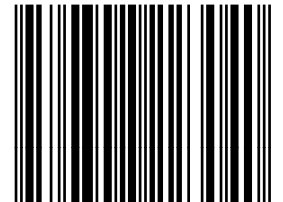
© Crown copyright 2021

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£6.90

<http://www.legislation.gov.uk/id/uksi/2021/477>

ISBN 978-0-34-822304-0



9 780348 223040