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## SCHEDULES

### SCHEDULE 13

#### SUBORDINATE INSTRUMENTS

#### PART III

#### SUPPLEMENTAL POWERS

##### *Different provision for different cases*

- 1 (1) A power to which this paragraph applies shall include power to make different provision for different circumstances.
- (2) Sub-paragraph (1) above is without prejudice to the generality of any provision of this Act conferring a power to which this paragraph does not apply.

##### *Incidental supplementary and transitional provision*

- 2 A power to which this paragraph applies shall include power to make such incidental, supplementary or transitional provision as the authority exercising the power thinks fit.

##### *Power to authorise making of regulations*

- 3 (1) An Order in Council made in pursuance of a power to which this paragraph applies may authorise the Secretary of State to make regulations for carrying out the purposes of the Order in respect of such matters as may be specified in the Order.
- (2) Paragraphs 2, 4 and 6 of this Part of this Schedule apply to any power to make regulations conferred by virtue of sub-paragraph (1) above.

##### *Power to provide for detention of aircraft*

- 4 (1) Any Order in Council, order or regulations made, in relation to aircraft, in pursuance of any power to which this paragraph applies may provide for the detention of aircraft to secure compliance with the Order in Council, order or regulations, as the case may be, or with any enactment which is mentioned in sub-paragraph (2) below, and in connection with which the Order in Council, order or regulations is or are made, and may make such further provision as appears to the authority exercising the power to be necessary or expedient for securing such detention.
- (2) The enactments referred to in sub-paragraph (1) above are the enactments contained in sections <sup>F1</sup> . . . 76, <sup>F2</sup> . . . 89 and 97 of this Act and the enactments conferring powers to which this paragraph applies.

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#### Textual Amendments

- F1** Words in Sch. 13 Pt. III para. 4(2) omitted (21.12.2001) by virtue of S.I. 2001/4050, art. 2, **Sch. Pt. V para. 26(d)(ii)**
- F2** Reference in Sch. 13 para. 4(2) omitted (19.2.2013) by virtue of Civil Aviation Act 2012 (c. 19), **ss. 106(6), 110(3)(e)** (with Sch. 10 paras. 12, 17)

#### *Crown aircraft*

- 5 Without prejudice to section 101 of this Act, an Order in Council made in pursuance of a power to which this paragraph applies may apply in such cases and to such extent as appears to Her Majesty in Council to be expedient to aircraft belonging to or employed in the service of Her Majesty.

#### *Extra-territorial provisions*

- 6 (1) Notwithstanding that an Order in Council or regulation made in pursuance of a power to which this paragraph applies has effect only as part of the law of the United Kingdom, no provision contained in the Order or regulation shall, on the ground that it would have extra-territorial operation, be deemed to be invalid in so far as it applies to aircraft registered in the United Kingdom, wherever they may be, or prohibits, requires or regulates—
- (a) the doing of anything by persons in, or any of the personnel of, such aircraft, wherever they may be; or
  - (b) the doing of anything in relation to such aircraft by other persons, being Commonwealth citizens, or citizens of the Republic of Ireland, wherever they may be.
- (2) Nothing in sub-paragraph (1) above shall affect subsection (1) of section 3 of the <sup>M1</sup>British Nationality Act 1948 (which limits the criminal liability of certain persons).
- (3) For the purposes of sub-paragraph (1) above, the personnel of an aircraft shall be deemed to include the commander or other person in charge of the aircraft and all other members of the crew of the aircraft.
- (4) Without prejudice to [<sup>F3</sup>sub-paragraphs (5) and (7)] below, in the application of this paragraph to the power to make an Air Navigation Order or to make regulations by virtue of paragraph 3 above under such an Order, the references in sub-paragraph (1) above to aircraft registered in the United Kingdom shall have effect as if they included references to any aircraft which is not so registered but is for the time being under the management of a person who, or of persons each of whom, is qualified to be the owner of a legal or beneficial interest in an aircraft registered in the United Kingdom.
- (5) So far as relates to any provision of an Order in Council or regulation concerning aircraft on or in the neighbourhood of offshore installations, within the meaning of the <sup>M2</sup>Mineral Workings (Offshore Installations) Act 1971, this paragraph shall apply to all aircraft and not only to aircraft registered in the United Kingdom and shall apply to the doing of anything in relation to any aircraft by any person irrespective of nationality or, in the case of a body corporate, of the law under which it was incorporated.

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- (6) Sub-paragraph (5) above shall apply to installations notwithstanding that they are for the time being in transit.
- [<sup>F4</sup>(7) So far as relates to a provision of an Order in Council or regulation concerning aircraft on or in the neighbourhood of a renewable energy installation, this paragraph—
- (a) shall apply to all aircraft, and not only to aircraft registered in the United Kingdom; and
  - (b) shall apply to the doing of anything in relation to an aircraft by any person, irrespective of nationality, or (in the case of a body corporate) of the law under which it was incorporated.
- (8) For the purposes of sub-paragraphs (5) and (7) the neighbourhood of an installation includes anywhere within 500 metres of that installation.
- (9) In this paragraph “renewable energy installation” has the same meaning as in Chapter 2 of Part 2 of the Energy Act 2004.]

#### Textual Amendments

- F3** Words in Sch. 13 Pt. 3 para. 6(4) substituted (5.10.2004) by Energy Act 2004 (c. 20), ss. 101(3), 198(2); S.I. 2004/2575, art. 2(1), Sch. 1
- F4** Sch. 13 Pt. 3 para. 6(7)–(9) inserted (5.10.2004) by Energy Act 2004 (c. 20), ss. 101(4), 198(2); S.I. 2004/2575, art. 2(1), Sch. 1

#### Modifications etc. (not altering text)

- C1** Sch. 13 Pt. III para. 6(5) restricted by Oil and Gas Enterprise Act 1982 (c. 23, SIF 86), s. 27(1)(c)(2)–(5); Sch. 13 Pt. III para. 6(5) restricted (15.2.1999) by 1998 c. 17, s. 12(2)(b)(3) (with s. 9(1)(2), Sch. 3 para. 5(1)); S.I. 1999/161, art. 2

#### Marginal Citations

- M1** 1948 c. 56.
- M2** 1971 c. 61.

- [<sup>F57</sup> (1) Without prejudice to paragraph 6 above, an Air Navigation Order may make provision in relation to renewable energy installations located within a Renewable Energy Zone as if those installations were located in a part of the United Kingdom.
- (2) Such provision may apply to any person irrespective of nationality or (in the case of a body corporate) of the law under which it was incorporated.
- (3) In this paragraph “renewable energy installation” and “Renewable Energy Zone” have the same meanings as in Chapter 2 of Part 2 of the Energy Act 2004.]

#### Textual Amendments

- F5** Sch. 13 Pt. 3 para. 7 inserted (5.10.2004) by Energy Act 2004 (c. 20), ss. 101(5), 198(2); S.I. 2004/2575, art. 2(1), Sch. 1

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