



Civil Aviation Act 1982

1982 CHAPTER 16

PART IV

AIRCRAFT

Jurisdiction, etc.

91 Jurisdiction in civil matters.

Her Majesty may by Order in Council make provision as to the courts in which proceedings may be taken for enforcing any claim in respect of aircraft, and in particular may provide—

- (a) for conferring jurisdiction in any such proceedings on any court exercising Admiralty jurisdiction; and
- (b) for applying to such proceedings any rules of practice or procedure applicable to proceedings in Admiralty.

92 Application of criminal law to aircraft.

- (1) Any act or omission taking place on board a British-controlled aircraft [^{F1}or (subject to subsection (1A) below) a foreign aircraft] while in flight elsewhere than in or over the United Kingdom which, if taking place in, or in a part of, the United Kingdom, would constitute an offence under the law in force in, or in that part of, the United Kingdom shall constitute that offence; but this subsection shall not apply to any act or omission which is expressly or impliedly authorised by or under that law when taking place outside the United Kingdom.

[^{F2}(1A) Subsection (1) above shall only apply to an act or omission which takes place on board a foreign aircraft where—

- (a) the next landing of the aircraft is in the United Kingdom, and
- (b) in the case of an aircraft registered in a country other than the United Kingdom, the act or omission would, if taking place there, also constitute an offence under the law in force in that country.

Status: Point in time view as at 27/05/1997.

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- (1B) Any act or omission punishable under the law in force in any country is an offence under that law for the purposes of subsection (1A) above, however it is described in that law.]
- (2) Subject to any provision to the contrary in any Act passed after 14th July 1967, no proceedings for any offence under the law in force in, or in a part of, the United Kingdom committed on board an aircraft while in flight elsewhere than in or over the United Kingdom (other than an offence under, or under any instrument made under, any of the air navigation enactments) shall be instituted—
- (a) in England and Wales, except by or with the consent of the Director of Public Prosecutions; or
 - (b) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland;
- but, unless the Attorney General for Northern Ireland otherwise directs, paragraph (b) above shall be deemed to be complied with as respects the institution of any proceedings if the Director of Public Prosecutions for Northern Ireland gives his consent to the institution or carrying on of the proceedings.
- [^{F3}(2A) The requirement in subsection (1A)(b) above shall be taken to be met unless, not later than the rules of court may provide, the defence serve on the prosecution a notice—
- (a) stating that, on the facts as alleged with respect to the act or omission, the requirement is not in their opinion met;
 - (b) showing the grounds for their opinion; and
 - (c) requiring the prosecution to prove that it is met.
- (2B) The court, if it thinks fit, may permit the defence to require the prosecution to prove that the requirement is met without the prior service of a notice under subsection (2A) above.
- (2C) In the Crown Court the question whether the requirement is met is to be decided by the judge alone.]
- (3) For the purpose of conferring jurisdiction, any offence under the law in force in, or in a part of, the United Kingdom committed on board an aircraft in flight shall be deemed to have been committed in any place in the United Kingdom (or, as the case may be, in that part thereof) where the offender may for the time being be.
- (4) For the purpose of this section the period during which an aircraft is in flight shall be deemed to include any period from the moment when power is applied for the purpose of the aircraft taking off on a flight until the moment when the landing run (if any) at the termination of that flight ends; and any reference in this section to an aircraft in flight shall include a reference to an aircraft during any period when it is on the surface of the sea or land but not within the territorial limits of any country.
- (5) In this section, except where the context otherwise requires—
- “aircraft” means any aircraft, whether or not a British-controlled aircraft, other than—
- (a) a military aircraft; or
 - (b) subject to section 101(1)(b) below, an aircraft which, not being a military aircraft, belongs to or is exclusively employed in the service of Her Majesty in right of the United Kingdom;
- “the air navigation enactments” means the enactments contained in sections 60 to 62, 72 to 77, 81 to 83, 87 and 97 of this Act;

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“British-controlled aircraft” means an aircraft—

- (a) which is for the time being registered in the United Kingdom; or
- (b) which is not for the time being registered in any country but in the case of which either the operator of the aircraft or each person entitled as owner to any legal or beneficial interest in it satisfies the following requirements, namely—
 - (i) that he is a person qualified to be the owner of a legal or beneficial interest in an aircraft registered in the United Kingdom; and
 - (ii) that he resides or has his principal place of business in the United Kingdom; or
- (c) which, being for the time being registered in some other country, is for the time being chartered by demise to a person who, or to persons each of whom, satisfies the requirements aforesaid;

[^{F4}“foreign aircraft” means any aircraft other than a British-controlled aircraft;]

“military aircraft” means—

- (a) an aircraft of the naval, military or air forces of any country; or
- (b) any other aircraft in respect of which there is in force a certificate issued in accordance with any Order in Council in force under section 60, 87, 89, 91, 101(1)(a) or 107(2) of this Act that the aircraft is to be treated for the purposes of that Order in Council as a military aircraft;

and a certificate of the Secretary of State that any aircraft is or is not a military aircraft for the purposes of this section shall be conclusive evidence of the fact certified.

- (6) In subsection (2) above, the words from “but” onwards shall (notwithstanding their enactment in this Act) have effect subject to any question arising as to the validity, in relation to any such provision as is re-enacted in the preceding provisions of that subsection, of the provisions from which the words derive, that is to say, Article 7 of the ^{M1}Prosecution of Offences (Northern Ireland) Order 1972 and paragraphs 67 and 68 of Part II of Schedule 1 to the ^{M2}Criminal Justice (Northern Ireland) Order 1980.

Textual Amendments

- F1** Words in s. 92(1) inserted (18.7.1996) by 1996 c. 39, s. 1(2)
- F2** S. 92(1A)(1B) inserted (18.7.1996) by 1996 c. 39, s. 1(3)
- F3** S. 92(2A)-(2C) inserted (18.7.1996) by 1996 c. 39, s. 1(4)
- F4** Definition in s. 92(5) inserted (18.7.1996) by 1996 c. 39, s. 1(5)

Modifications etc. (not altering text)

- C1** S. 92(4)(5) extended by Extradition Act 1989 (c. 33, SIF 48), ss. 1, 22(7), Sch. 1 para. 15(3)

Marginal Citations

- M1** S.I. 1972/538 (N.I. 1).
- M2** S.I. 1980/704 (N.I. 6).

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Textual Amendments

F5 S. 93 repealed by [Extradition Act 1989 \(c. 33, SIF 48\)](#), s. 37, **Sch. 2**

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