



Civil Aviation Act 1982

1982 CHAPTER 16

PART V

MISCELLANEOUS AND GENERAL

99 Offences.

- (1) Where an offence to which this subsection applies has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (3) Any offence to which this subsection applies shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender may for the time being be.
- (4) Subsection (1) above applies to any offence under section 44, 45, 50, 64(5), 67(6), 82, 83 or 84(4) above or under regulations made by virtue of section 7(2)(b) or 71 above.
- (5) Subsection (3) above applies to any offence under any provision made by or under this Act, except, without prejudice to section 92(3) above—
 - (a)^{F1}
 - (b) an offence under section 44, 45, 50, 83 or 94(6) above;
 - (c) an offence consisting in a contravention of an order made under section 62 above;
 - (d) an offence consisting in a convention of an order made under section 63 above with respect to a British air transport undertaking;
 - (e) an offence consisting in a contravention of an Order in Council under section 86 above.

Status: Point in time view as at 16/02/2004.

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, Part V. (See end of Document for details)

Textual Amendments

F1 S. 99(5)(a) repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), **Sch. 6 Pt. II**

100 Application of Act to hovercraft.

The enactments and instruments with respect to which provision may be made by Order in Council in pursuance of section 1(1)(h) of the^{M1} Hovercraft Act 1968 (power to apply enactments and instruments in relation to hovercraft etc.) shall include this Act and any instrument made under it.

Marginal Citations

M1 1968 c. 59.

101 Power to apply certain provisions to Crown aircraft

- (1) Her Majesty may by Order in Council—
- (a) apply to any aircraft belonging to or exclusively employed in the service of Her Majesty, with or without modification, any of the provisions of this Act mentioned in subsection (2) below (being provisions which do not otherwise apply to such aircraft) or any Orders in Council, orders or regulations under those provisions;
 - (b) apply the provisions of sections 92 to 95 above, with or without modifications, to aircraft such as are excluded from the definition of “aircraft” in subsection (5) of the said section 92 by paragraph (b) of the definition.
- (2) The provisions of this Act referred to in subsection (1)(a) above are sections 60 ^{F2}and 61, 75] to 77, 81, 87, 89, 91, 96 and 97 and Part III of Schedule 13.

Textual Amendments

F2 Words in s. 101(2) substituted (21.12.2001) by [S.I. 2001/4050, art. 2, Sch. Pt. V para. 26\(a\)](#)

102 Powers to make Orders in Council, orders and regulations.

- (1) Any power conferred on the Secretary of State by this Act to make an order or regulations, other than a power conferred by a provision of this Act specified in Part I of Schedule 13 to this Act, shall be exercisable by statutory instrument.
- (2) The powers to make Orders in Council, orders and regulations which are conferred by virtue of the provisions of this Act specified in column 1 of Part II of the said Schedule 13 (being the Orders in Council, orders and regulations a general description of which is given in column 2 of that Part)—
 - (a) are, to the extent specified in column 3 of that Part, conferred subject to subsections (3) and (4) below; and
 - (b) shall, to the extent specified in column 4 of that Part, include the powers conferred by virtue of Part III of that Schedule.

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- (3) Where an entry in column 3 of the said Part II specifies that a power to make an Order in Council is subject to the affirmative resolution procedure, the Order shall not be submitted to Her Majesty in Council unless a draft of the Order has been laid before Parliament and approved by a resolution of each House.
- (4) Where an entry in the said column 3 specifies that a power to make an Order in Council, order or regulations is subject to the negative resolution procedure, the Order in Council, order or regulations, as the case may be, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Any power to make an order which is conferred by a provision of this Act specified in Part I of Schedule 13, except the power to make a vesting order under section 42(2) above, shall be construed as including a power exercisable in the like manner and subject to the like provisions (if any) to vary or revoke the order.

103 Special parliamentary procedure: Scotland.

For the purposes of the application of this Act to Scotland, any inquiry in relation to an order which by virtue of any provision of this Act is subject to special parliamentary procedure, shall, if the Secretary of State so directs, be held by Commissioners under the ^{M2}Private Legislation Procedure (Scotland) Act 1936, and where any direction has been so given—

- (a) it shall be deemed to have been so given under section 2 as read with section 10 of the ^{M3}Statutory Orders (Special Procedure) Act 1945; and
- (b) nothing in section 267 of the ^{M4}Town and Country Planning (Scotland) Act 1972, as applied by virtue of paragraph 4 or paragraph 8 of Schedule 10 to this Act, shall apply to such inquiry.

Marginal Citations

M2 1936 c. 52.

M3 1945 c. 18.

M4 1972 c. 52.

104 Construction of provisions relating to property.

- (1) Except where the context otherwise requires, nothing in this Act applying (in whatever terms) in relation to property (including any aerodrome) which is owned or managed or controlled by the Secretary of State or which he proposes to acquire shall apply in relation to such property unless, as the case may be, he owns, manages, controls or proposes to acquire the property in connection with the exercise of his functions relating to civil aviation.
- (2) Any reference in this Act to the carrying out of works on land shall be construed as including a reference to the making of excavations on the land or to the carrying out of levelling operations on the land; and references to the maintenance of works or to interference with works shall be construed accordingly.

105 General interpretation.

- (1) In this Act, except where the context otherwise requires—

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“accounting year”, in relation to the CAA, means the period of twelve months ending with 31st March in any year;

“aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically;

“Air Navigation Order” means an Order in Council under section 60 above;

“air navigation services” includes information, directions and other facilities furnished, issued or provided in connection with the navigation or movement of aircraft, and includes the control of movement of vehicles in any part of an aerodrome used for the movement of aircraft;

“air transport licence” has the meaning given by section 64(1)(a) above;

“air transport service” means a service for the carriage by air of passengers or cargo;

F3

“the CAA” means the Civil Aviation Authority;

“cargo” includes mail;

“the Chicago Convention” means the convention on International Civil Aviation which was, on 7th December 1944, signed on behalf of the Government of the United Kingdom at the International Civil Aviation Conference held at Chicago;

[^{F4F5}“the Community licensing Regulation” means Council Regulation 2407/92 on licensing of air carriers ^{F6}(as that Regulation has effect in accordance with [^{F7}the EEA Agreement as amended by the Decision of the EEA Joint Committee No. 7/94 of 21 March 1994]);

“Convention country” means a country in which the Tokyo Convention is for the time being in force; and Her Majesty may by Order in Council certify that any country specified in the Order is for the time being a Convention country and any such Order in Council for the time being in force shall be conclusive evidence that the country in question is for the time being a Convention country;

[^{F4}“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

“EEA State” means a State which is a Contracting Party to the EEA Agreement but until the EEA Agreement comes into force in relation to Liechtenstein does not include the State of Liechtenstein;]

“enactment” includes any enactment contained in an Act of the Parliament of Northern Ireland, an Order in Council under section 1(3) of the ^{M5}Northern Ireland (Temporary Provisions) Act 1972 or a Measure of the Northern Ireland Assembly;

“Eurocontrol” and “the Eurocontrol Convention” have the meanings given by section 24 above;

“flight” means a journey by air beginning when the aircraft in question takes off and ending when it next lands;

“functions” includes powers and duties;

“the initial debt” has the meaning given by section 9(1) above;

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“the Land Compensation Act”—

- (a) in relation to England and Wales, means the ^{M6}Land Compensation Act 1961;
- (b) in relation to Scotland, means the ^{M7}Land Compensation (Scotland) Act 1963; and
- (c) in relation to Northern Ireland, means, subject to subsection (7) below, the ^{M8}Acquisition of Land (Assessment of Compensation) Act 1919;

“the Lands Tribunal” shall be construed subject to subsection (5) below;

[^{F8}“licence holder” means a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services);]

“local authority”—

- (a) in relation to England ^{F9}. . . , means a county council, . . . ^{F10} the council of a district or London borough or the Common Council of the City of London;
- (aa) [^{F11}in relation to Wales, means a county council or a county borough council;]
- (b) in relation to Scotland, means a [^{F12}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];
- (c) in relation to Northern Ireland, means a district council established under the ^{M9}Local Government Act (Northern Ireland) 1972;

“loss or damage” includes, in relation to persons, loss of life and personal injury;

“modifications” includes additions, omissions and amendments, and “modify” shall be construed accordingly’;

“operator”, in relation to an aircraft, means the person having the management of the aircraft for the time being or, in relation to a time, at that time;

“prescribed” means prescribed by regulations made by the Secretary of State;

“relevant overseas territory” means any of the Channel Islands, the Isle of Man, any colony . . . ^{F13}

“reward”, in relation to a flight, includes any form of consideration received or to be received wholly or partly in connection with the flight irrespective of the person by whom or to whom the consideration has been or is to be given;

^{F14}
. . .

“statutory undertaker” means the CAA, [^{F15}a licence holder,][^{F16}a universal service provider in connection with the provision of a universal postal service], . . . ^{F17} or any person (including a local authority) authorised by any Act (whether public general or local) or by any order or scheme made under or confirmed by any Act to construct, work or carry on—

- (a) any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking;

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(b) any undertaking for the supply of . . . ^{F18} . . . ^{F19} . . . ^{F18} hydraulic power;

(c) [^{F20}any undertaking for the supply of water;]

and “statutory undertaking” shall be construed accordingly;

“subsidiary” shall be construed in accordance with [^{F21} section 736 of the Companies Act 1985]; and

“Tokyo Convention” means the Convention on Offences and certain other Acts Committed on board Aircraft, which was signed at Tokyo on 14th September 1963;

“United Kingdom national” means an individual who is—

(a) a British citizen, a British Dependent Territories citizen [^{F22} , a British National (Overseas)] or a British Overseas citizen;

(c) a person who under the ^{M10} British Nationality Act 1981 is a British subject; or

(c) a British protected person (within the meaning of that Act).

[^{F23}“universal service provider” has the same meaning as in the Postal Services Act 2000; and references to the provision of a universal postal service shall be construed in accordance with that Act.]

[^{F24}(1ZA) For the purposes of this Act—

- (a) a licence holder shall not be considered to be a statutory undertaker unless it is carrying out activities authorised by the licence;
- (b) the licence holder’s undertaking shall not be considered to be a statutory undertaking except to the extent that it is its undertaking as licence holder; and references in this Act to a licence holder’s undertaking shall be construed accordingly.]

[^{F25}(1A) The undertaking of a universal service provider so far as relating to the provision of a universal postal service shall be taken to be his statutory undertaking for the purposes of this Act; and references in this Act to his undertaking shall be construed accordingly.]

- (2) Except where the context otherwise requires, any reference in this Act to the provisions of an Order in Council shall, if paragraph 3 of Part III of Schedule 13 to this Act (power to authorise making of regulations) applies to the power to make the Order in question, include a reference to the provisions of any regulations made, or directions given, under the Order in Council.
- (3) Without prejudice to any transitional or transitory provision made by this Act or to section 17(2) of the ^{M11} Interpretation Act 1978 (repeal and re-enactment), any reference in any enactment contained in this Act (including a reference to a provision of that enactment or to any other enactment so contained) to a provision which is a re-enactment of a repealed enactment or to things done or falling to be done under such a provision shall, so far as the context permits, be construed as including, in relation to times, circumstances and purposes in relation to which the repealed enactment had effect, a reference to, or to things done or falling to be done under, that repealed enactment; and where the repealed enactment was itself a re-enactment of an earlier provision the reference shall extend in the same way to that earlier provision, and so on.
- (4) Any reference in this Act to the re-enactment of a provision includes a reference to this re-enactment with modifications.

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- (5) In the application of this Act to Scotland and to Northern Ireland references to the Lands Tribunal shall have effect as references respectively to the Lands Tribunal for Scotland and to the Lands Tribunal for Northern Ireland.
- [^{F26}(5A) In the application of this Act to Scotland references to a highway shall have effect as references to a road within the meaning of section 151(1) of the Roads (Scotland) Act 1984.]
- (6) Except where the context otherwise requires, any reference in this Act to an Act of Parliament shall include a reference to an Act of the Parliament of Northern Ireland, an Order in Council under section 1(3) of the ^{M12} Northern Ireland (Temporary Provisions) Act 1972 and a Measure of the Northern Ireland Assembly.
- (7) In the application of this Act to Northern Ireland, references in this Act to provisions of the ^{M13} Acquisition of Land (Assessment of Compensation) Act 1919 shall, in relation to any matter about which the Parliament of Northern Ireland had power to make laws, have effect as references to the corresponding provisions of the Land Compensation (Northern Ireland) Order 1982.
- (8) ^{F27}

Textual Amendments

- F3** Definition repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), [Sch. 6](#)
- F4** Definitions in s. 105(1) inserted (1.7.1994) by [S.I. 1994/1732](#), [reg. 3\(6\)](#)
- F5** Definition in s. 105(1) inserted (1.1.1994) by [S.I. 1993/3039](#), [reg. 3\(c\)](#)
- F6** OJ No.L240, 24.8.92, p. 1.
- F7** Words in s. 105(1) substituted (1.7.1994) by [S.I. 1994/1732](#), [reg. 3\(5\)](#)
- F8** Definition of “licence holder” in s. 105(1) inserted (1.4.2001) by 2000 c. 38, s. 36, [Sch. 4 para. 14](#) (with s. 106); [S.I. 2001/869](#), [art. 2](#)
- F9** Words in s. 105(1) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), [Sch. 16 para. 66\(2\)](#), [Sch. 18](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396](#), [art. 4](#), [Sch. 2](#)
- F10** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#) s. 102, [Sch. 17](#)
- F11** S. 105(1) in the definition of “local authority” sub-paragraph (aa) inserted (1.4.1996) by 1994 c. 19, s. 66(6), [Sch. 16 para. 66\(2\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396](#), [art. 4](#), [Sch. 2](#)
- F12** Words in s. 105(1) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), [Sch. 13 para. 126\(5\)](#); [S.I. 1996/323](#), [art. 4\(1\)\(b\)\(c\)](#)
- F13** Words repealed by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 53(2), [Sch. 4](#)
- F14** Definition in s. 105(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. XIV](#)
- F15** Words in s. 105(1) inserted (21.12.2001) by [S.I. 2001/4050](#), [art. 2](#), [Sch. Pt. II para. 6\(a\)](#)
- F16** Words in s. 105(1) substituted (26.3.2001) by [S.I. 2001/1149](#), [art. 3\(1\)](#), [Sch. 1 para. 56\(2\)\(a\)](#) (with [art. 4\(11\)](#))
- F17** Words repealed by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, [Sch. 7 pt. I](#)
- F18** Word repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(4), [Sch. 18](#)
- F19** Word repealed by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(4), [Sch. 9 pt. I](#)
- F20** Para. (c) repealed (E.W.) by [Water Act 1989 \(c.15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#), [Sch. 27](#)
- F21** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, [Sch.2](#)
- F22** Words inserted by [S.I. 1986/948](#), [art.8](#), [Sch.](#)
- F23** Words in s. 105(1) inserted (26.3.2001) by [S.I. 2001/1149](#), [art. 3\(1\)](#), [Sch. 1 para. 56\(2\)\(b\)](#) (with [art. 4\(11\)](#))

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- F24** S. 105(1ZA) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. II para. 6(b)**
- F25** S. 105(1A) inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 56(3)** (with art. 4(11))
- F26** S. 105(5A) inserted by (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 85(2)**
- F27** s. 105(8) repealed by S.I. 1984/703 (N.I. 3), art. 19(2), **Sch.7**

Modifications etc. (not altering text)

- C1** S. 105(1): references to British Telecommunications in s. 105(1) cease to have effect by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 4 para. 3(1)(m)**, Sch. 5 para. 45

Marginal Citations

- M5** 1972 c. 22.
- M6** 1961 c. 33.
- M7** 1963 c. 51.
- M8** 1919 c. 57.
- M9** 1972 c. 9 (N.I.).
- M10** 1981 c.61.
- M11** 1978 c.30.
- M12** 1972 c.22.
- M13** 1919 c.57.

106 Application of Act to territorial waters.

- (1) Except where the context otherwise requires, in any provision of this Act to which this section applies a reference to a country or territory or to the territorial limits of any country shall be construed as including a reference to the territorial waters of the country or territory, as the case may be; and a reference to a part of the United Kingdom shall be construed as including a reference to so much of the territorial waters of the United Kingdom as are adjacent to that part.
- (2) This section applies to Parts III and IV of this Act, except sections [F28 64 to 71] and 84.
- (3) Nothing in this section shall prejudice the construction of any provision of this Act to which this section does not apply.

Textual Amendments

- F28** Words in s. 106(2) substituted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. V para. 26(b)**

107 Application of Act to Northern Ireland.

- (1) The following provisions of this Act, that is to say, sections 27, 30 to 35, 37, 44(9), 51, 54 and 88, paragraph 12 of Schedule 7 and paragraph 10 of Schedule 9 and Schedule 10 shall not extend to Northern Ireland.
- (2) Her Majesty may by Order in Council direct that any of the provisions of sections 39, 47 and 97 of this Act (except subsection (3) of section 97) and any of the provisions of this Part of this Act so far as it relates to those sections shall, in the application of that provision to Northern Ireland, have effect subject to such adaptations as may be specified in the Order.

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108 Extension of provisions of Act outside United Kingdom.

- (1) Her Majesty may by Order in Council direct that any of the provisions of this Act, other than the provisions of sections [^{F29}34, 35,] 61(3) to (5), 82, and 88 of this Act, shall extend, with such modifications (if any) as may be specified in the Order to any relevant overseas territory.
- (2) Her Majesty may by Order in Council direct that—
 - (a) any provision of this Act, other than a provision of sections 92 to 95; or
 - (b) any provision of any Order in Council or regulations made by virtue of section 60, ^{F30} . . . , 75, 86, 87 or 89 above,shall apply in relation to an aircraft registered in any relevant overseas territory as that provision applies to an aircraft registered in the United Kingdom, but with such modifications (if any) as may be specified in the Order.

Textual Amendments

F29 Words substituted by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(1), **Sch. 4 para. 8(2)**

F30 Word in s. 108(2)(b) omitted (21.12.2001) by virtue of [S.I. 2001/4050, art. 2](#), **Sch. Pt. V para. 26(c)**

Modifications etc. (not altering text)

C2 S. 108 applied by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 51(2)

C3 S. 108(1) extended by [Civil Aviation \(Eurocontrol\) Act 1983 \(c. 11, SIF 9\)](#), s. 4(3)

C4 S. 108(1)(2) applied (14.12.2001) by [2001 c. 24, ss. 88\(1\)](#), 127(2)

C5 S. 108(1) extended (8.11.2006) by [Civil Aviation Act 2006 \(c. 34\)](#), s. 14(9)

109 Transitional provisions, consequential amendments, repeals, etc.

- (1) Schedule 14 to this Act (which contains transitional and transitory provisions and savings) shall have effect; and the provisions of that Schedule are without prejudice to sections 16 and 17 of the ^{M14}Interpretation Act 1978 (which relate to repeals).
- (2) The enactments specified in Schedule 15 to this Act shall have effect subject to the amendments there specified, being amendments consequential on the provisions of this Act.
- (3) Subject to the provisions of the said Schedule 14, the enactments and instruments specified in Schedule 16 to this Act are hereby repealed to the extent specified in the third column of the said Schedule 16.

Modifications etc. (not altering text)

C6 The text of s. 109(2), Sch. 16 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M14 [1978 c. 30](#).

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110 Citation and commencement.

- (1) This Act may be cited as the Civil Aviation Act 1982.
- (2) This Act shall come into force at the expiration of the period of three months beginning with its passing.

Modifications etc. (not altering text)

- C7** S. 110(1) extended (with modifications) (1.4.2007) by [The Civil Aviation \(Isle of Man\) Order 2007](#) (S.I. 2007/614), [art. 2\(c\)](#), Sch.

Status:

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Changes to legislation:

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