

Status: Point in time view as at 10/01/2015.

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, SCHEDULE 13. (See end of Document for details)

SCHEDULES

SCHEDULE 13

Section 102.

SUBORDINATE INSTRUMENTS

PART I

POWERS NOT EXERCISABLE BY STATUTORY INSTRUMENT

Section 31 (order authorising local authority to carry on ancillary business).

Section 42(2) (order vesting land in CAA).

[^{F1} Section 42A(2) (order vesting land in licence holder).]

Textual Amendments

F1 Sch. 13 Pt. I: entry inserted (1.4.2001) by 2000 c. 38, s. 36, Sch. 4 para. 17 (with s. 106); S.I. 2001/869, art. 2

Section 44 (order for creation of rights over land).

Section 45 (order restricting use of land).

Section 46 (order for control of land).

Section 47 (order requiring warnings on land).

Section 48(1) (order for stopping-up or diversion of a highway).

Part I or Part II of Schedule 10 (orders with respect to functions of a statutory undertaker).

PART II

PROVISIONS APPLYING TO CERTAIN POWERS

Provision of Act	General Description	Parliamentary control	Supplementary powers
Section 5(3).	Orders designating aerodromes for purposes of section 5.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 7.	Regulations with respect to performance of CAA's functions.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.

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Section 11(2).	Regulations prescribing manner of publishing scheme for charges.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 11(3).	Regulations for determining charges to be paid to CAA.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 15(3).	Order modifying or repealing section 15(1)(c) and (2).	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 20(4).	Regulations about mode of giving evidence of instruments and publications of CAA.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
...
F2	F2	F2	F2
...
F2	F2	F2	F2
Section 35(1).	Order designating aerodrome for purposes of requiring consultation.	Subject to the negative resolution procedure where the order revokes or amends a previous order under section 35(1).	
...
F2	F2	F2	F2
[^{F3} 38(4)]	Order directing aerodrome authority to fix charges by reference to noise factors.	Subject to the negative resolution procedure.	Paragraph 2 of Part III applies.
[^{F4} Section 38B(2)(a)]	Order specifying area in relation to aerodrome for purpose of noise control schemes	Subject to the negative resolution procedure	Paragraphs 1 and 2 of Part 3 apply.]
...
F2	F2	F2	F2
Section 41(2)(b).	Order in Council extending Acquisition of Land Act 1981 to Northern Ireland.	Subject to the negative resolution procedure.	Paragraphs 2 and 3 of Part III apply.

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Section 46(9).	Order repealing or amending local enactment.	Subject to the negative resolution procedure.	Paragraph 2 of Part III applies.
Section 60.	An Air Navigation Order.	Subject to the affirmative resolution procedure where the Order makes provision for any such matter as is mentioned in section 60(3)(r) and subject to the negative resolution procedure in any other case.	Paragraphs 2, 3, 4 [F5, 6 and 7] of Part III apply.
...
F2	F2	F2	F2
F6	F6	F6	F6
...
F6	F6	F6	F6
...
Section 64(3).	Regulations prescribing manner of publishing instruments under section 64(2)(a) and (b).	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 65(1) or (6).	Regulations prescribing manner of publishing certain notices.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 66(1).	Regulations prescribing persons who may apply for revocation, suspension or variation of an air transport licence.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 66(4).	Regulations prescribing manner of serving certain notices.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 67.	Regulations making supplementary provision in respect of air transport licensing.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.

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Section 71.	Regulations with respect to provision of accommodation in aircraft.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
[^{F7} Section 71A	Regulations requiring persons to make contributions to the Air Travel Trust	Subject to the negative resolution procedure	Paragraphs 1 and 2 of Part 3 apply.]
^{F8}	^{F8}	^{F8}	^{F8}
...
Section 75.	Regulations with respect to the investigation of aircraft accidents.	Subject to the negative resolution procedure.	Paragraphs 4 and 6 of Part III apply.
Section 78(1), (3), (4) or (5).	Regulations prescribing manner of publishing certain notices.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 78(8).	Order requiring provision and maintenance of noise measuring equipment etc.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 78(11).	Order repealing local enactment.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 80.	Order designating aerodrome for purposes of noise, etc. provisions.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 82(1).	Regulations permitting aerial advertising.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 84.	Regulations with respect to supply of information.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
^{F9}	^{F9}	^{F9}	^{F9}
Section 86.	Order in Council making provision with respect to mortgaging of aircraft.	Subject to the negative resolution procedure.	Paragraphs 2 and 5 of Part III apply.
Section 87.	Order in Council applying law of	Subject to the negative resolution procedure.	Paragraphs 2, 3, 4 and 6 of Part III apply.

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	wreck or salvage to aircraft.		
[^{F10} Section 88 (6)(d)]	[^{F10} Priority of charges]	[^{F10} Subject to the negative resolution procedure]	
^{F10} Section 88(10).	Order designating aerodrome for purposes of section 88.	Subject to the negative resolution procedure.	
Section 88(11).	Order repealing local enactment.	Subject to the negative resolution procedure.	Paragraph 2 of Part III apply.
Section 89(4).	Order in Council with respect to seizure of aircraft on patent claims.	Subject to the negative resolution procedure.	Paragraphs 2, 3, 4 and 6 of Part III apply.
Section 90.	Order in Council giving effect to Convention on rights in aircraft.	Subject to the negative resolution procedure.	Paragraphs 2 and 5 of Part III apply.
Section 91.	Order in Council with respect to civil jurisdiction in proceedings involving aircraft.	Subject to the negative resolution procedure.	Paragraphs 2, 3, 4 and 6 of Part III apply.
Section 96.	Regulations designating person for purposes of section 96(1) or (2).	Subject to the negative resolution procedure.	
Section 101.	Order in Council extending provisions of Act to Crown aircraft.	Subject to the negative resolution procedure in the case of an Order made by virtue of section 10(1)(a).	Paragraphs 2, 3, 4 and 6 of Part III apply in the case of an Order made by virtue of section 101(1)(a).
Section 107(2).	Order in Council adapting provisions of Act in their application to Northern Ireland.	Subject to the negative resolution procedure.	Paragraphs 2, 3, 4 and 6 of part III apply.
Section 108(1).	Order in Council extending provisions of Act to relevant overseas territory.		Paragraph 2 of Part III applies.
Section 108(2).	Order in Council extending provisions of Act to aircraft		Paragraphs 1 and 2 of Part III apply.

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	registered in a relevant overseas territory.		
Paragraph 15 of Schedule 1.	Regulations with respect to the sub-delegation of the CAA's functions.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Schedule 2.	Regulations in connection with the application of enactments relating to statutory undertakers.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.

Textual Amendments

- F2** Entries repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), **Sch. 6 Pt. II**
- F3** [Sch. 13 Pt. II](#): words in entry relating to s. 38 substituted (1.3.2007) by [Civil Aviation Act 2006 \(c. 34\)](#), ss. 13, 14, **Sch. 2 para. 4(2)**; S.I. 2007/598, **art. 2**, Sch. 1
- F4** Entry relating to s. 38B(2)(a) inserted (1.3.2007) by [Civil Aviation Act 2006 \(c. 34\)](#), ss. 13, 14, **Sch. 2 para. 4(3)**; S.I. 2007/598, **art. 2**, Sch. 1
- F5** [Sch. 13 Pt. II](#): words in entry substituted (5.10.2004) by [Energy Act 2004 \(c. 20\)](#), **ss. 101(2)**, 198(2); S.I. 2004/2575, **art. 2(1)**, Sch. 1
- F6** [Sch. 13 Pt. II](#): entries omitted (21.12.2001) by virtue of S.I. 2001/4050, **art. 2**, **Sch. Pt. V para. 26(d)(i)**
- F7** Entry relating to s. 71A inserted (1.3.2007) by [Civil Aviation Act 2006 \(c. 34\)](#), ss. 13, 14, **Sch. 2 para. 4(4)**; S.I. 2007/598 {art. 2}, Sch. 1
- F8** [Sch. 13 Pt. II](#): entry repealed (1.4.2001) by 2000 c. 38, s. 274, **Sch. 31 Pt. I(2)**; S.I. 2001/869, **art. 2**
- F9** [Sch. 13 Pt. II](#): entry repealed (16.2.2004) by [The Aviation Safety Regulations 2004 \(S.I. 2004/77\)](#), **reg. 2(5)**
- F10** [Sch. 13 Pt. II](#): entry inserted (1.4.2001) by 2000 c. 38, s. 97, **Sch. 8 Pt. III para. 9** (with s. 106); S.I. 2001/869, **art. 2**

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.

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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 ^{F11} . . . 76, ^{F12} . . . 89 and 97 of this Act and the enactments conferring powers to which this paragraph applies.

Textual Amendments

- F11** 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)
- F12** 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 ^{M1}British Nationality Act 1948 (which limits the criminal liability of certain persons).

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- (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 ^{F13}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 ^{M2}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.
- (6) Sub-paragraph (5) above shall apply to installations notwithstanding that they are for the time being in transit.
- ^{F14}(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

- F13** 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
- F14** 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.

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- [^{F15} (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

F15 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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