

SCHEDULE 2

CIVIL AVIATION ACT 1949

PART VI

SUPPLEMENTAL

“Orders in Council

Section 57.—(1) Any Order in Council, order or regulation made under any of the enactments to which this Part of this Act applies or this Part of this Act, or any order or regulation made, or instructions given by the Governor thereunder, may contain such incidental and supplementary provisions as appear to Her Majesty in Council, or to the Governor, as the case may be, to be necessary or expedient for the purposes of the Order in Council, order, regulations or instructions; and any such Order in Council may authorise the Governor to make orders, regulations or to give instructions for the purposes of the Order in respect of such matters as may be specified in the Order.

(2) An Order in Council made under any of the enactments to which this Part of this Act applies or this Part of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament and may be revoked or varied by a subsequent Order in Council.

(3) Any reference in the enactments to which this Part of this Act applies or this Part of this Act to the provisions of an Order in Council shall include a reference to the provisions of any order or regulation made, or instructions given, under the Order in Council.”

“Detention of aircraft

Section 58. Any Order in Council, order or regulations made under any enactment to which this Part of this Act applies or this Part of this Act in relation to aircraft 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 to which this Part of this Act applies in connection with which the Order in Council, order or regulations is or are made, and may make such further provision as appears to Her Majesty in Council or to the Governor, as the case may be, to be necessary or expedient for securing such detention.”

“Extra-territorial effect

Section 59.—(1) Notwithstanding that an Order in Council made by virtue of any enactment to which this Part of this Act applies or this Part of this Act or an order or a regulation made by virtue of any such enactment by the Governor has effect only as part of the law of the Colony, no provision contained in the Order in Council, 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 British aircraft registered in the Colony, wherever they may be, or prohibits, requires or regulates—

- (a) the doing of anything by persons in, or any of the personnel of, such British aircraft as aforesaid, wherever they may be, or
- (b) the doing of anything in relation to such British aircraft as aforesaid by other persons being British subjects, British protected persons or citizens of the Republic of Ireland, wherever they may be.

For the purposes of this subsection 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.

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Nothing in this subsection shall affect subsection (1) of section 3 of the British Nationality Act 1948 (which limits the criminal liability of certain persons who are not citizens of the United Kingdom and Colonies).

(2) Her Majesty may by Order in Council direct that any of the following provisions, that is to say—

- (a) any enactment to which this Part of this Act applies; or
- (b) any enactment in this Part of this Act; or
- (c) any provision of any Order in Council, order or regulations made by virtue of any such enactment;

being a provision which has extra-territorial operation in relation to British aircraft registered in the Colony, shall, subject to such exceptions, adaptations and modifications, if any, as may be specified in the Order made under this subsection, have such operation also in relation to British aircraft registered in the United Kingdom or any territory, other than the Colony, mentioned in subsection (1) of section 66 of this Act or registered in the Isle of Man or the Channel Islands.”

“Offences

Section 60. Any offence under any enactment to which this Part of this Act applies or under an Order in Council or order or regulation made under either any such enactment or this Part of this Act 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.”

“Savings

Section 61.—(1) Neither this Part of this Act nor any enactment to which this Part of this Act applies shall apply to aircraft belonging to or exclusively employed in the service of Her Majesty: Provided that Her Majesty may, by Order in Council, apply to any such aircraft, with or without modification, any of the said enactments or any Orders in Council, orders or regulations made thereunder.

(2) Nothing in, or in any instrument made under, the enactments to which this Part of this Act applies or this Part of this Act, shall prejudice or affect the rights, powers or privileges of any general or local lighthouse authority.”