

SCHEDULE 1

Article 2(1)

EXTENSION OF PROVISIONS OF THE AVIATION SECURITY ACT 1982 TO THE BAILIWICK OF JERSEY

PART I

PROVISIONS EXTENDED

- Section 1 (hijacking).
- Section 2 (destroying, damaging or endangering safety of aircraft).
- Section 3 (other acts endangering or likely to endanger safety of aircraft).
- Section 4 (offences in relation to certain dangerous articles).
- Section 5 (jurisdiction of courts in respect of air piracy).
- Section 6 (ancillary offences).
- Section 7 (powers exercisable on suspicion of intended offence under Part I)(1).
- Section 10 (purposes to which Part II applies).
- Section 11 (power for Secretary of State to require information)(2).
- Section 11A (designation of restricted zones)(3).
- Section 12 (power to impose restrictions in relation to aircraft)(4).
- Section 13 (power to require aerodrome managers to promote searches at aerodromes)(5).
- Section 13A (power to require other persons to promote searches)(6).
- Section 14 (general power to direct measures to be taken for purposes to which Part II applies)(7).
- Section 15 (matters which may be included in directions under sections 12 to 14)(8).
- Section 16 (limitation on scope of directions under sections 12 to 14)(9).
- Section 17 (general or urgent directions under sections 12 and 14)(10).
- Section 18 (objections to certain directions under section 14).
- Section 18A (enforcement notices)(11).
- Section 18B (contents of enforcement notice).
- Section 18C (offences relating to enforcement notices).
- Section 18D (objections to enforcement notices).
- Section 18E (enforcement notices : supplementary).

(1) Section 7 was amended by paragraph 1 of Schedule 1 to the Aviation and Maritime Security Act 1990 (“the 1990 Act”).

(2) Section 11 was amended by paragraph 2 of Schedule 1 to the 1990 Act and repealed in part by Schedule 4 to that Act.

(3) Section 11A was inserted by paragraph 3 of Schedule 1 to the 1990 Act.

(4) Section 12 was amended by paragraph 4 of Schedule 1 to the 1990 Act.

(5) Section 13 was amended by paragraph 5 of Schedule 1 to the 1990 Act.

(6) Section 13A was inserted by section 2 of the 1990 Act.

(7) Section 14 was amended by section 3 of, and paragraph 6 of Schedule 1 to, the 1990 Act and repealed in part by Schedule 4 to that Act.

(8) Section 15 was amended by paragraph 7 of Schedule 1 to the 1990 Act and repealed in part by Schedule 4 to that Act.

(9) Section 16 was amended by paragraph 8 of Schedule 1 to the 1990 Act.

(10) Section 17 was amended by paragraph 9 of Schedule 1 to the 1990 Act.

(11) Sections 18A to 18E were inserted by section 4 of the 1990 Act.

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Section 19 (operation of directions under Part II in relation to rights and duties under other laws)(12).

Section 20 (inspection of aircraft and aerodromes)(13).

Section 21 (application of provisions of Part II to air navigation installations)(14).

Section 21A (false statements relating to baggage, cargo etc.)(15).

Section 21B (false statements in connection with identity documents).

Section 21C (unauthorised presence in restricted zone).

Section 21D (unauthorised presence on board aircraft).

Section 21E (offences relating to authorised persons).

Section 21F (air cargo agents)(16).

Section 21G (duty to report certain occurrences)(17).

Section 22 (compensation in respect of certain measures taken under Part II), together with Schedule 1(18).

Section 24 (service of documents)(19).

Section 24A (interpretation of Part II)(20).

Section 37 (offences by bodies corporate)(21).

Section 38 (interpretation etc.)(22).

Section 40 (consequential amendments, savings and repeals), together with Schedules 2 and 3.

Section 41 (short title and commencement).

PART II

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO THE PROVISIONS OF THE AVIATION SECURITY ACT 1982 WHICH ARE EXTENDED TO THE BAILIWICK OF JERSEY BY PART I OF THIS SCHEDULE

1. Any reference in the Act to the Act or a provision of it is a reference to the Act or provision as extended to the Bailiwick of Jersey.

2. In section 1 (hijacking):

(a) in subsections (1) and (2)(ii) for the words “the United Kingdom” there shall be substituted “Jersey”;

(b) in subsection (2)(iii) after the words “United Kingdom”, wherever they occur, there shall be inserted “or Jersey”;

(c) in subsection (3) the words “on conviction on indictment” shall be omitted; and

(12) Section 19 was amended by paragraph 10 of Schedule 1 to the 1990 Act.

(13) Section 20 was amended by paragraph 11 of Schedule 1 to the 1990 Act and repealed in part by Schedule 4 to that Act.

(14) Section 21 was amended by paragraph 12 of Schedule 1 to the 1990 Act.

(15) Sections 21A to 21E were inserted by section 5 of the 1990 Act.

(16) Section 21F was inserted by section 6 of the 1990 Act.

(17) Section 21G was inserted by section 7 of the 1990 Act.

(18) Section 22 was amended by paragraph 13, and Schedule 1 was amended by paragraph 20, of Schedule 1 to the 1990 Act; section 22 and Schedule 1 were repealed in part by Schedule 4 to the 1990 Act

(19) Section 24 was substituted by paragraph 15 of Schedule 1 to the 1990 Act.

(20) Section 24A was inserted by paragraph 16 of Schedule 1 to the 1990 Act.

(21) Section 37 was amended by paragraph 18 of Schedule 1 to the 1990 Act.

(22) Section 38 was amended by paragraph 19 of Schedule 1 to the 1990 Act and repealed in part by Schedule 4 to that Act.

- (d) at the end of subsection (4) there shall be added:
“An order made under this subsection as it applies in the United Kingdom shall have effect in Jersey as it has effect in the United Kingdom.”.
3. In section 2 (destroying, damaging or endangering safety of aircraft):
- (a) in subsections (3) and (4) for the words “the United Kingdom”, wherever they occur, there shall be substituted “Jersey”;
- (b) in subsection (5) the words “on conviction on indictment” shall be omitted; and
- (c) for subsections (6) and (7) there shall be substituted:
- “(6) In this section “unlawfully”—
- (a) in relation to the commission of an act in Jersey means so as (apart from this Act) to constitute an offence under the law of Jersey, and
- (b) in relation to the commission of an act outside Jersey, means so that the commission of the act would (apart from this Act) have been an offence under the law of Jersey if it had been committed in Jersey.
- (7) In this section “act of violence” means—
- (a) an act done in Jersey which constitutes the offence of murder, attempted murder, manslaughter or assault or an offence under Article 2 of the Loi (1884) sur les Matieres Explosives; and
- (b) any act done outside Jersey which, if done in Jersey, would constitute such an offence as is mentioned in paragraph (a) above.”.
4. In section 3 (other acts endangering or likely to endanger safety of aircraft):
- (a) for the words “the United Kingdom”, wherever they occur except where they first occur in subsection (5)(b), there shall be substituted “Jersey”; and
- (b) in subsection (7) the words “on conviction on indictment” shall be omitted.
5. In section 4 (offences in relation to certain dangerous articles):
- (a) for the words “the United Kingdom”, wherever they occur in subsection (1) except where they first occur in paragraph (a) of that subsection, there shall be substituted “Jersey”; and
- (b) for subsection (4) there shall be substituted:
“(4) A person guilty of an offence under this section shall be liable on conviction to a fine or to imprisonment for a term not exceeding five years or to both.”.
6. In section 5 (jurisdiction of courts in respect of air piracy):
- (a) in subsection (1), for the words “the United Kingdom” there shall be substituted “Jersey”; and
- (b) at the end of subsection (2) there shall be added: “References in this subsection to the Civil Aviation Act 1982 are references to that Act as extended to Jersey by the Civil Aviation Act 1982 (Jersey) Order 1990(23).”.
7. In section 6 (ancillary offences):
- (a) for the words “the United Kingdom”, wherever they occur, there shall be substituted “Jersey”;
- (b) in subsection (1) after the words “Act 1982” there shall be inserted “as extended to Jersey by the Civil Aviation Act 1982 (Jersey) Order 1990”;

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- (c) in subsection (1) for the words from “culpable homicide” to “Act 1883” there shall be substituted “or assault or an offence under Article 2 of the Loi (1884) sur les Matieres Explosives”;
 - (d) in subsection (3) the words “on conviction on indictment” shall be omitted; and
 - (e) subsection (4) shall be omitted.
8. In section 7 (powers exercisable on suspicion of intended offence under Part I):
- (a) in subsection (1):
 - (i) for the word “constable”, wherever it occurs, there shall be substituted “police officer”; and
 - (ii) for the words “the United Kingdom” there shall be substituted “Jersey”;
 - (b) in subsection (2) the words from “(a) on summary conviction” to “on indictment” shall be omitted; and
 - (c) subsection (3) shall be omitted.
9. In subsection (2) of section 10 (purposes to which Part II applies):
- (a) for the words “the United Kingdom” and “Great Britain”, wherever they occur, there shall be substituted “Jersey”; and
 - (b) for the words from “culpable homicide” to the end of the subsection there shall be substituted:

“or assault or an offence under Article 2 of the Loi (1884) sur les Matieres Explosives or any act which involves—

 - (i) the destruction or damage without lawful excuse of any property belonging to another where the person doing the act intends to destroy or damage such property or is reckless as to whether such property would be destroyed or damaged; or
 - (ii) the destruction or damage without lawful excuse of any property whether belonging to the person doing the act or to some other person where the person doing the act—
 - (aa) intends to destroy or damage any property or is reckless as to whether any property would be destroyed or damaged; and
 - (bb) intends by the destruction or damage to endanger the life of another or is reckless as to whether the life of another would be thereby endangered.”.
10. In section 11 (power for Secretary of State to require information):
- (a) for the words “Secretary of State”, wherever they occur, there shall be substituted “Committee”;
 - (b) for subsection (1) there shall be substituted:

“(1) The Committee may, by notice in writing served on any person who—

 - (a) is the operator of one or more aircraft operating in Jersey,
 - (b) occupies any land forming part of an aerodrome in Jersey, or
 - (c) is permitted to have access to a restricted zone of an aerodrome for the purposes of the activities of a business carried on by him,

require that person to provide the Committee with such information specified in the notice as the Committee may require in connection with the exercise by the Committee of its functions under this Part of this Act.”;

- (c) in subsection (4) for the word “him” there shall be substituted “the Committee”; and
- (d) in subsection (5) the words from “(i) on summary” to “on indictment” shall be omitted.

11. In section 11A (designation of restricted zones):

- (a) for subsection (1) there shall be substituted the following subsection:
 - “(1) The Committee may designate the whole or any part of any aerodrome as a restricted zone for the purposes of this Part of this Act.”;
- (b) subsections (2), (3), (4), (5), (6) and (8) shall be omitted;
- (c) in subsection (9), for the words “the United Kingdom” there shall be substituted “Jersey” and the words from “and any reference” to the end shall be omitted; and
- (d) in subsection (10):
 - (i) in paragraph (a), for the words “(1) to (9)” there shall be substituted “(1), (7) and (9)”; and
 - (ii) in paragraph (b), for the words “Secretary of State” there shall be substituted “Committee”.

12. In section 12 (power to impose restrictions in relation to aircraft):

- (a) for the words “Secretary of State”, wherever they occur, there shall be substituted “Committee”;
- (b) in subsection (1):
 - (i) the words “registered or” shall be omitted;
 - (ii) for the words “the United Kingdom”, where they first occur, there shall be substituted “Jersey”;
 - (iii) for the words “manager of any aerodrome in the United Kingdom” there shall be substituted “Airport Director”; and
 - (iv) in paragraphs (a) and (b) for the word “constables”, in both places where it occurs, there shall be substituted “police officers”;
- (c) subsections (2), (3) and (4) shall be omitted;
- (d) in subsection (5):
 - (i) in paragraph (a) the words “registered or” shall be omitted and for the words “the United Kingdom” there shall be substituted “Jersey”; and
 - (ii) the words from “and a direction” to the end of the subsection shall be omitted;
- (e) in subsection (6) for the words “manager of an aerodrome” there shall be substituted “Airport Director”;
- (f) in subsection (8):
 - (i) for paragraphs (a) and (b) there shall be substituted “such an operator as is mentioned in subsection (1) above”; and
 - (ii) the words “or manager” shall be omitted;
- (g) in subsection (9) the words from “(a) on summary conviction” to “on indictment” shall be omitted; and
- (h) in subsection (10) for the words “on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale” there shall be substituted “to a fine”.

13. In section 13 (power to require aerodrome managers to promote searches at aerodromes):

- (a) in subsection (1):
 - (i) for the words “Secretary of State” there shall be substituted “Committee”;

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- (ii) for the words “manager of any aerodrome in the United Kingdom” there shall be substituted “Airport Director”; and
 - (iii) for the word “constables” there shall be substituted “police officers”;
 - (b) in subsection (3):
 - (i) the words “to the manager of an aerodrome” shall be omitted; and
 - (ii) for the word “constable” there shall be substituted “police officer”;
 - (c) in subsection (4) the words from “(i) on summary conviction” to “on indictment” shall be omitted;
 - (d) in subsection (4A) for the words “on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale” there shall be substituted “to a fine”; and
 - (e) subsection (5) shall be omitted.
- 14.** In section 13A (power to require other persons to promote searches):
- (a) in subsection (1):
 - (i) for the words “Secretary of State” there shall be substituted “Committee”;
 - (ii) for the words “manager of an aerodrome” there shall be substituted “Airport Director”;
 - (iii) for the words “the United Kingdom” there shall be substituted “Jersey”; and
 - (iv) for the word “constables” there shall be substituted “police officers”;
 - (b) in subsection (3), the words from “(a) on summary conviction” to “on indictment” shall be omitted; and
 - (c) in subsection (4), for the words “on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale” there shall be substituted “to a fine”.
- 15.** In section 14 (general power to direct measures to be taken for the purposes to which Part II applies):
- (a) for the words “Secretary of State”, wherever they occur, there shall be substituted “Committee”;
 - (b) in subsection (1):
 - (i) the words “registered or” shall be omitted;
 - (ii) for the words “the United Kingdom”, wherever they occur, there shall be substituted “Jersey”; and
 - (iii) for paragraph (b) there shall be substituted:
 - “(b) is the Airport Director”;
 - (c) in subsection (1A):
 - (i) in paragraph (a), for the words “registered or operating in the United Kingdom” there shall be substituted “operating in Jersey”; and
 - (ii) in paragraph (b), for the words “a person as the manager of an aerodrome” there shall be substituted “the Airport Director”, and for the words “that aerodrome” there shall be substituted “any aerodrome”;
 - (d) in subsection (2) for the words “a person as the manager of an aerodrome” there shall be substituted “the Airport Director”;
 - (e) in subsection (7) the words from “(i) on summary conviction” to “on indictment” shall be omitted; and

- (f) in subsection (7A) for the words “on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale” there shall be substituted “to a fine”.
- 16.** In section 15 (matters which may be included in directions under sections 12 to 14):
- (a) subsection (2) shall be omitted;
 - (b) in subsection (5)—
 - (i) for the word “constables”, in both places where it occurs, there shall be substituted “police officers”;
 - (ii) for the words from “chief officer of police” to “measures taken” there shall be substituted “Chief Officer of the States of Jersey Police Force”; and
 - (iii) for the words “Secretary of State” there shall be substituted “Committee”;
 - (c) in subsection (6) for the word “to” there shall be substituted “, (4) and”; and
 - (d) subsection (8) shall be omitted.
- 17.** In section 16 (limitations on scope of directions under sections 12 to 14):
- (a) in subsection (3) for the words “the United Kingdom” there shall be substituted “Jersey”;
 - (b) in subsection (4) for the word “constable” there shall be substituted “police officer”;
 - (c) for subsection (5) there shall be substituted:
 - “(5) A direction which requires anything to be done or not done at a place outside Jersey shall not have effect.”; and
 - (d) in subsection (6) for the words “manager of an aerodrome”, there shall be substituted “Airport Director”.
- 18.** In subsection (2) of section 17 (general or urgent directions under sections 12 and 14):
- (a) for the words “Secretary of State” there shall be substituted “Committee”; and
 - (b) for the word “he”, in both places where it occurs, there shall be substituted “the Committee”.
- 19.** In section 18 (objections to certain directions under section 14) for the words “Secretary of State”, wherever they occur, there shall be substituted “Committee”.
- 20.** In section 18A (enforcement notices):
- (a) for the words “Secretary of State” there shall be substituted “Committee”; and
 - (b) subsection (3) shall be omitted.
- 21.** In section 18B (contents of enforcement notice):
- (a) for the words “Secretary of State” there shall be substituted “Committee”;
 - (b) in subsection (3) the words “or (2)” shall be omitted; and
 - (c) subsection (4) shall be omitted.
- 22.** In section 18C (offences relating to enforcement notices):
- (a) in subsection (1) the words from “(a) on summary conviction” to “on indictment” shall be omitted;
 - (b) in subsection (2) for the words “on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale” there shall be substituted “to a fine”; and
 - (c) in subsection (3) the words from “(a) on summary conviction” to “on indictment” shall be omitted.

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23. In section 18D (objections to enforcement notices) for the words “Secretary of State”, wherever they occur, there shall be substituted “Committee”.

24. In section 19 (operation of directions under Part II in relation to rights and duties under other laws):

(a) in subsection (2) for the words “the United Kingdom” and “United Kingdom”, wherever they occur, there shall be substituted “Jersey”;

(b) subsections (3) and (4) shall be omitted; and

(c) for subsection (5) there shall be substituted:

“(5) In this section “Jersey contract” means a contract which is either expressed to have effect in accordance with the law of Jersey or (not being so expressed) is a contract of which the proper law is the law of Jersey.”.

25. In section 20 (inspection of aircraft and aerodromes):

(a) in subsection (1):

(i) for the words “Secretary of State” there shall be substituted “Committee”;

(ii) for the words “the United Kingdom”, wherever they occur, there shall be substituted “Jersey”; and

(iii) in paragraph (a) the words “registered or” shall be omitted;

(b) in subsection (2) for the words “manager of the aerodrome” there shall be substituted “Airport Director”; and

(c) in subsection (5) the words from “(i) on summary conviction” to “on indictment” shall be omitted.

26. In section 21 (application of provisions of Part II to air navigation installations):

(a) for the words “the United Kingdom”, wherever they occur, there shall be substituted “Jersey”;

(b) in subsection (2) the words from “and any reference to the manager” to the end of the subsection shall be omitted;

(c) subsection (4) shall be omitted;

(d) in paragraph (a) of subsection (5) the words from “and, where the direction was given” to the end of the paragraph shall be omitted; and

(e) in subsection (6):

(i) for the words “authority responsible for one or more air navigation installations” there shall be substituted “Airport Director”; and

(ii) in paragraph (a) for the words “the United Kingdom for which it is responsible” there shall be substituted “Jersey for which the Committee is responsible”.

27. In section 21A (false statements relating to baggage, cargo etc.):

(a) for the words “the United Kingdom”, wherever they occur, there shall be substituted “Jersey”;

(b) in subsection (1), the words “registered or” shall be omitted and for the word “constable” there shall be substituted “police officer”;

(c) in subsection (2):

(i) for paragraph (a) there shall be substituted:

“(a) the Airport Director,”; and

(ii) the words “registered or” shall be omitted; and

- (d) in subsection (4) for the words from “on summary conviction” to the end there shall be substituted “to a fine”.
- 28.** In section 21B (false statements in connection with identity documents):
- (a) in subsection (1) for the word “constable”, in both places where it occurs, there shall be substituted “police officer”;
- (b) in subsection (2) for the words “Secretary of State” there shall be substituted “Committee”;
- (c) in subsection (3):
- (i) for paragraph (a) there shall be substituted:
- “(a) the Airport Director.”;
- (ii) paragraph (b) shall be omitted; and
- (iii) in paragraph (c) for the words “registered or operating in the United Kingdom” there shall be substituted “operating in Jersey”; and
- (d) in subsection (5) for the words from “on summary conviction” to the end there shall be substituted “to a fine”.
- 29.** In section 21C (unauthorised presence in restricted zone):
- (a) in subsection (1)(a) and (b), for the words from “manager of the aerodrome” to “or authority” there shall be substituted “Airport Director or a person acting on his behalf”; and
- (b) in subsection (3) for the words from “on summary conviction” to the end there shall be substituted “to a fine”.
- 30.** In section 21D (unauthorised presence on board aircraft):
- (a) in subsection (1) for the words “the United Kingdom” there shall be substituted “Jersey”; and
- (b) in subsection (2) for the words from “on summary conviction” to the end there shall be substituted “to a fine”.
- 31.** In section 21E (offences relating to authorised persons):
- (a) in subsection (2) the words from “(a) on summary conviction” to “on indictment” shall be omitted; and
- (b) in subsection (3) for the words from “on summary conviction” to the end there shall be substituted “to a fine”.
- 32.** In section 21F (air cargo agents):
- (a) for the words “the Secretary of State”, “him” and “he”, wherever they occur, there shall be substituted “the Committee”;
- (b) in subsection (1):
- (i) for the words “regulations made by statutory instrument” there shall be substituted “Order”, and
- (ii) for the words “the United Kingdom” there shall be substituted “Jersey”;
- (c) in subsection (2), for the word “Regulations” where it first occurs there shall be substituted “An Order”;
- (d) in subsections (2)(a), (b), (d) and (f) and (3), for the word “regulations”, wherever it occurs, there shall be substituted “Order”; and
- (e) subsection (4) shall be omitted.
- 33.** In section 21G (duty to report certain occurrences):

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- (a) for the words “the Secretary of State” and “him”, wherever they occur, there shall be substituted “the Committee”;
- (b) in subsection (1) for the words “regulations made by statutory instrument” and “regulations” there shall be substituted “Order”;
- (c) in subsections (2) and (3)(a) and (b) for the word “regulations”, wherever it occurs, there shall be substituted “Order”;
- (d) in subsection (3):
 - (i) for the word “Regulations”, where it first occurs, there shall be substituted “An Order”;
 - (ii) in paragraph (a) the words from “(i) on summary conviction” to “on indictment” shall be omitted; and
 - (iii) in paragraph (b) for the words from “on summary conviction” to the end there shall be substituted “to a fine”;
- (e) for subsection (4) there shall be substituted:

“(4) An Order under this section shall not require the reporting of occurrences taking place outside Jersey.”; and
- (f) subsection (5) shall be omitted.

34. In subsection (4) of section 22 (compensation in respect of certain measures taken under Part II) for the words from “the person” to the end of the subsection there shall be substituted “the Committee”.

35. In section 24 (service of documents) for the words “the United Kingdom”, wherever they occur, there shall be substituted “Jersey” and for the words “Secretary of State” in subsection (5) there shall be substituted “Committee”.

36. In subsection (1) of section 24A (interpretation of Part II) for the words “Secretary of State” there shall be substituted “Committee”.

37. In section 37 (offences by bodies corporate) for the word “regulations”, in both places where it occurs, there shall be substituted “Order”.

38. In section 38 (interpretation etc.)**(24)**:

- (a) for the definition of “aerodrome” in subsection (1) there shall be substituted:

““aerodrome” means the aggregate of the land, buildings and works comprised in the Jersey Airport and (if and so far as not so comprised) any land, buildings or works situated within the boundaries of an area designated, by an order made by the Committee which is for the time being in force, as constituting the area of an aerodrome for the purposes of this Act;”;
- (b) for the definition of “aircraft registered or operating in the United Kingdom” in subsection (1) there shall be substituted:

““aircraft operating in Jersey” means any aircraft which is for the time being allocated for use on flights which (otherwise than in exceptional circumstances) include landing or taking off from one or more aerodromes in Jersey;

“Airport Director” means the person for the time being appointed as such by the Committee under the Aerodromes Administration (Jersey) Law 1952, as amended;”;
- (c) after the definition of “article” in subsection (1) there shall be inserted:

(24) The definition of “United Kingdom national” has been amended by the Schedule to the Hong Kong (British Nationality) Order 1986 (S.I. 1986/948).

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- ““the Committee” means the Harbours and Airport Committee of the States of Jersey”;
- (d) the definition of “constable” in subsection (1) shall be omitted;
- (e) after the definition of “firearm” in subsection (1) there shall be inserted:
- ““Jersey” means the Bailiwick of Jersey;
- “the Jersey Airport” means the premises for the time being belonging to the States of Jersey situate at St. Peter and used from time to time for the landing and departure of aircraft or for purposes ancillary thereto;”;
- (f) the definition of “manager” in subsection (1) shall be omitted;
- (g) in the definition of “operator” in subsection (1) after the words “Act 1982” there shall be inserted “(as extended to Jersey by the Civil Aviation Act 1982 (Jersey) Order 1990)”;
- (h) after the definition of “operator” in subsection (1) there shall be inserted:
- ““police officer” means a member of the Honorary Police or a member of the States of Jersey Police Force and includes any person having the powers of a police officer;”;
- (i) the definition of “the statutory maximum” in subsection (1) shall be omitted;
- (j) subsection (2) shall be omitted;
- (k) in subsection (3) the words from “and anything done” to the end of the subsection shall be omitted;
- (l) for subsection (4) there shall be substituted:
- “(4) For the purposes of this Act “Jersey” includes the territorial waters adjacent thereto.”;
- (m) subsections (5) and (8) shall be omitted.
- 39.** Subsection (2) of section 41 (short title and commencement) shall be omitted.
- 40.** For Schedule 1 (provisions relating to compensation) there shall be substituted:

“SCHEDULE 1

PROVISIONS RELATING TO COMPENSATION

- 1.** This Schedule applies to compensation under section 22 of this Act (in this Schedule referred to as “the relevant section”).
- 2.** No compensation to which this Schedule applies shall be payable unless the person to whom it is payable in accordance with the relevant section serves on the Airport Director notice in writing claiming compensation under that section, and that notice is served before the end of the period of two years from the completion of the measures.
- 3.** In relation to any measures taken by the Airport Director on land outside an aerodrome or an air navigation installation, as the case may be, any reference in the relevant section to a direction, or to compliance with a direction, shall be construed as if subsection (6) of section 16 of this Act were omitted.
- 4.** In calculating value for any of the purposes of the relevant section—
- (a) rules (b), (c) and (d) of the rules set out in article 9(1) of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961 shall apply with the necessary modifications, and
- (b) if the interest to be valued is subject to a mortgage, it shall be treated as if it were not subject to a mortgage.

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5. The Committee may by order make provision—
- (a) requiring compensation to which this Schedule applies, in such cases as may be specified in the order, to be paid to a person other than the person entitled to it in accordance with the relevant section;
 - (b) as to the application of any compensation to which this Schedule applies, or any part of it, in cases where the right to claim compensation is exercisable by reference to an interest in land which is subject to a mortgage; or
 - (c) as to any assumptions to be made, or matters to be taken into or left out of account, for the purpose of assessing any compensation to which this Schedule applies.

6.—(1) Any dispute arising under the relevant section or under this Schedule, whether as to the right to any compensation or as to the amount of any compensation, or otherwise, shall be referred to and determined by two arbitrators, one of whom shall be appointed by the Committee and the other by the person claiming the compensation save that, if an arbitrator is not appointed by the person claiming compensation, then he shall be nominated by the Committee and any arbitrator so nominated shall be deemed to be the arbitrator appointed by the person claiming the compensation.

(2) Arbitrators appointed under subparagraph (1) above shall, before commencing to determine any matter referred to them under this paragraph, nominate an umpire who shall determine the matter if the arbitrators disagree.

(3) The arbitrators or umpire, as the case may be, may refer to the Royal Court, sitting as the Inferior Number, any question of law or of law mixed with fact arising in connection with any matter referred to them or him in such manner and within such time as may be prescribed by rules of court.

(4) Subject to paragraph (3) above, the decision of the arbitrators or of the umpire, as the case may be, shall be final.

7. In this Schedule, “mortgage” includes any hypothec.”.

41. In Schedule 2 (consequential amendments and savings):

- (a) paragraphs 3, 5, 6 and 8 shall be omitted;
- (b) in paragraph 4 after the words “Act 1973” there shall be inserted “(as extended to Jersey by the Protection of Aircraft Act 1973 (Jersey) Order 1973 **(25)**”); and
- (c) in paragraph 7:
 - (i) after the words “Act 1978” there shall be inserted “(as extended to Jersey by the Suppression of Terrorism Act 1978 (Jersey) Order 1978**(26)**”); and
 - (ii) after the words “Act 1982” there shall be inserted “as extended to Jersey by the Aviation Security (Jersey) Order 1993”.

42. In Schedule 3 (repeals):

- (a) all of the entries, except those relating to the Tokyo Convention Act 1967**(27)**, the Hijacking Act 1971**(28)**, the Protection of Aircraft Act 1973**(29)** and the Civil Aviation Act 1982**(30)**, shall be omitted;

(25) S.I. 1973/1761.

(26) 1978/1531.

(27) 1967 c. 52.

(28) 1971 c. 70.

(29) 1973 c. 47.

(30) 1982 c. 16.

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- (b) references in Schedule 3 to the Acts referred to in sub-paragraph (a) above shall be construed as references to them as extended to the Bailiwick of Jersey by the Tokyo Convention Act 1967 (Jersey) Order 1969(31), the Hijacking Act 1971 (Jersey) Order 1971(32), the Protection of Aircraft Act 1973 (Jersey) Order 1973 and the Civil Aviation Act 1982 (Jersey) Order 1990 respectively; and
- (c) the repeal by Schedule 3 of any provision which was not extended to the Bailiwick of Jersey by those Orders shall be disregarded.

SCHEDULE 2

Article 2(2)

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO SECTIONS 1 AND 50 OF THE AVIATION AND MARITIME SECURITY ACT 1990 IN THEIR EXTENSION TO THE BAILIWICK OF JERSEY

1. Any reference to an enactment shall, unless the contrary intention appears, be construed as a reference to that enactment as it has effect in the Bailiwick of Jersey.
2. In section 1:
 - (a) for the words “the United Kingdom”, wherever they occur, there shall be substituted “the Bailiwick of Jersey”;
 - (b) in subsection (5) the words “on conviction on indictment” shall be omitted;
 - (c) in subsection (7) for paragraphs (a) and (b) there shall be substituted “except by, or with the consent of, the Attorney General for Jersey”;
 - (d) subsection (8) shall be omitted; and
 - (e) in subsection (9):
 - (i) in the definition of “act of violence”, for the words from “culpable homicide” to the end of paragraph (a) there shall be substituted “or assault or an offence under Article 2 of the Loi (1884) sur les Matieres Explosives”; and
 - (ii) in the definition of “unlawfully” for the words “part of the United Kingdom in which the act is committed” in paragraph (a) there shall be substituted “Bailiwick of Jersey” and for the words from “England and Wales”, in the first place where they occur, to the end of paragraph (b) there shall be substituted “Jersey if it had been committed in the Bailiwick of Jersey”.
3. In section 50, for the words from “this Act (including” to “section 42” there shall be substituted “section 1”.

SCHEDULE 3

Article 2(3)

ORDERS REVOKED

Instruments

References

The Tokyo Convention Act 1967 (Jersey) Order 1969. [S.I. 1969/598](#)

(31) [S.I. 1969/598](#).
(32) [S.I. 1971/1746](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Instruments</i>	<i>References</i>
The Hijacking Act 1971 (Jersey) Order 1971.	S.I. 1971/1746
The Protection of Aircraft Act 1973 (Jersey) Order 1973.	S.I. 1973/1761
