

2001 No. 1452

CIVIL AVIATION

**The Civil Aviation Act 1982 (Overseas Territories)
Order 2001**

Made - - - - - *11th April 2001*

Laid before Parliament *25th April 2001*

Coming into force - - *16th May 2001*

At the Court at Windsor Castle, the 11th day of April 2001

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 66 of the Civil Aviation Act 1949(a), section 66 of the Civil Aviation Act 1971(b) and section 108 of the Civil Aviation Act 1982(c) and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:

Citation and commencement

1. This Order may be cited as the Civil Aviation Act 1982 (Overseas Territories) Order 2001 and shall come into force on 16th May 2001.

Revocation

2. The Civil Aviation Act 1971 (Overseas Territories) Order 1976(d) is hereby revoked, except insofar as it applies to Gibraltar.

Amendment of the Civil Aviation Act 1949 (Overseas Territories) Order 1969

3. The Civil Aviation Act 1949 (Overseas Territories) Order 1969(e) is hereby amended as follows:

- (1) In Article 3, for "sections 8, 9, 10" there shall be substituted "sections 8 (except subsection (4)), 9".
- (2) In paragraph 1 of Schedule 2, subsection (4) of section 8 shall be deleted.
- (3) Paragraph 3 of Schedule 2 shall be deleted.

Extension of sections 61 and 75 of the Civil Aviation Act 1982

4. Sections 61 and 75 of the Civil Aviation Act 1982 modified as in Schedule 1 to this Order shall extend to the Territories specified in Schedule 2.

(a) 1949 c. 67.

(b) 1971 c. 75.

(c) 1982 c. 16.

(d) S.I. 1976/1912.

(e) S.I. 1969/592.

Savings

5. Nothing in this Order shall affect any Order in Council made under section 8 of the Civil Aviation Act 1949, as extended to the Territory by the Civil Aviation Act 1949 (Overseas Territories) Order 1969 or any regulations made under section 10 of the said Act as so extended, being an Order in Council or regulations in force immediately before the coming into force of this Order.

Interpretation

6. In this Order—

“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;

“Governor” means the officer for the time being administering the Territory;

“the Territory” means any one of the territories mentioned in Schedule 2 to this Order.

A. K. Galloway
Clerk of the Privy Council

Civil Aviation Act 1982

1. Section 61. (1) An Order made pursuant to section 8 of the Civil Aviation Act 1949, as extended to the Territory by the Civil Aviation Act 1949 (Overseas Territories) Order 1969, may, for the purpose of securing compliance with its provisions, provide—

- (a) subject to subsection (2) below, for persons to be guilty of offences in such circumstances as may be specified in the Order and to be liable on conviction of those offences to such penalties as may be so specified; and
- (b) in the case of a provision having effect by virtue of paragraph (1) of subsection (2) of the said section 8, for the taking of such steps (including firing on aircraft) as may be specified in the Order.

(2) The power conferred by virtue of subsection (1)(a) above shall not include power—

- (a) to provide for offences to be triable only on indictment;
- (b) to authorise the imposition, on summary conviction of any offence, of any term of imprisonment or of a fine exceeding the statutory maximum;
- (c) to authorise the imposition, on conviction on indictment of an offence, of a term of imprisonment exceeding two years.

2. Section 75. (1) The Governor may by regulations under this section make such provision as appears to him to be requisite or expedient—

- (a) for the investigation of any accident arising out of or in the course of air navigation and either occurring in or over the Territory or occurring elsewhere to aircraft registered in the Territory; and
- (b) for carrying out any Annex to the Chicago Convention (being an Annex adopted in accordance with the Convention and relating to the investigation of accidents involving aircraft) as it has effect from time to time with any amendment made in accordance with the Convention (hereafter in this section referred to as “the Annex”).

(2) Without prejudice to the generality of subsection (1)(b) above, the provision there authorised includes provision with respect to any of the following matters, that is to say—

- (a) the definition of “accident” for the purposes of this section so as to correspond to the meaning adopted for the time being in the Annex;
- (b) the participation of any persons authorised for the purpose in accordance with the regulations in any investigation held in accordance with the requirements of the Annex by the competent authorities of any other state; and
- (c) the investigation of any accident other than one to which subsection (1)(a) above applies for the purpose of securing any information, articles or other material which it is the duty of the Territory in accordance with any requirements of the Annex to furnish to any other state.

(3) Without prejudice to the generality of subsection (1) above, regulations under this section may contain provisions—

- (a) requiring notice to be given of any such accident as is mentioned in subsection (1)(a) above in such manner and by such persons as may be specified in the regulations;
- (b) applying, with or without modification, for the purpose of investigations held with respect to any such accident any of the provisions of any law in force in the Territory relating to the investigation of deaths or accidents;
- (c) prohibiting, pending investigation, access to or interference with aircraft to which an accident has occurred, and authorising any person so far as may be necessary for the purposes of an investigation, or for the purpose of determining whether an investigation should be held, to have access to, examine, remove, test, take measures for the preservation of, or otherwise deal with, any such aircraft and any other aircraft;
- (d) authorising or requiring the cancellation, suspension, endorsement or surrender of any licence or certificate granted in the Territory under Part II of the Civil Aviation Act 1949, as extended to the Territory by the Civil Aviation Act 1949 (Overseas Territories) Order 1969, or any Order in Council or order made under the said Part II as so extended, or the withdrawal or suspension of any validation conferred in the Territory of a licence granted by a duly competent authority elsewhere, where it appears on an investigation that the licence or certificate ought to be cancelled, suspended, endorsed or surrendered or the validation withdrawn or suspended, as the case may be, and requiring the production of any such licence or certificate for the purpose of being so dealt with.

(4) Without prejudice to subsection (2)(a) above, in this section “accident” shall be construed as including any fortuitous or unexpected event by which the safety of an aircraft or any person is threatened.

(5) If any person contravenes or fails to comply with any regulations under this section he shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding three months.

(6) Nothing in this section shall limit the powers of any authority under sections 245 to 247 or 252 to 254 of the Merchant Shipping Act 1995(a) or any enactment amending those sections.

(7) Part VI of the Civil Aviation Act 1949, as extended to the Territory by the Civil Aviation Act 1949 (Overseas Territories) Order 1969 applies to this section.

SCHEDULE 2

Article 4

Territories to which this Order applies

Anguilla
Bermuda
British Antarctic Territory
British Indian Ocean Territory
Cayman Islands
Falkland Islands
Montserrat
Pitcairn, Henderson, Ducie and Oeno Islands
St. Helena and its Dependencies
South Georgia and the South Sandwich Islands
Sovereign Base Areas of Akrotiri and Dhekelia
Turks and Caicos Islands
Virgin Islands

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the territories listed in Schedule 2 to the Order, with modifications, section 61 (which increases the penalties which may be imposed for breaches of the Air Navigation (Overseas Territories) Order) and section 75 (which extends the definition of “accident” for purposes of regulations governing the investigation of aircraft accidents, increases the penalties for breaches of such regulations and otherwise makes provision for such regulations to comply with the Annex to the Chicago Convention dealing with aircraft accident investigation) of the Civil Aviation Act 1982.

(a) 1995 c. 21.

£1.75

© Crown copyright 2001

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E 0986 4/2001 617761 19585

ISBN 0-11-029323-1



9 780110 293233