



# Civil Aviation Act 1971

## 1971 CHAPTER 75

### PART IV

#### MISCELLANEOUS AND GENERAL

#### 61 Official secrets

- (1) For the purposes of section 2 of the Official Secrets Act 1911 (which among other things relates to the wrongful communication of information) a member and an employee of the Authority shall be deemed to hold an office under Her Majesty and a contract with the Authority shall be deemed to be a contract with Her Majesty.
- (2) For the purposes of paragraph (c) of section 3 of the said Act of 1911 (under which the Secretary of State may by order declare any place belonging to Her Majesty to be a prohibited place for the purposes of that Act) a place belonging to or used for the purposes of the Authority shall be deemed to be a place belonging to Her Majesty.
- (3) Subject to the following subsection no person shall, except with the consent of and in accordance with any conditions imposed by the Authority, be entitled to exercise any right of entry (whether arising by virtue of a statutory provision or otherwise) upon a place which by virtue of the preceding subsection is a prohibited place for the purposes of the said Act of 1911.
- (4) The preceding subsection shall not apply to—
  - (a) a constable acting in the course of his duty as such ; or
  - (b) an officer of customs and excise or inland revenue acting in the execution of his duty as such ; or
  - (c) an officer of any government department specially authorised in that behalf by or on behalf of a Minister of the Crown;

and if the Authority refuses consent for or imposes conditions on the exercise by any person of a right of entry upon such a place as is mentioned in the preceding subsection and that person applies to the Secretary of State for an authorisation to exercise the right, the Secretary of State may if he thinks fit authorise that person to exercise it subject to such conditions, if any, as the Secretary of State may determine.

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## 62 Offences

- (1) In section 8(4) of the Civil Aviation Act 1949 (which enables an Air Navigation Order to provide for penalties which may include a fine of £200 or imprisonment for six months) for the words from " of penalties " to " six months " there shall be substituted the words "on summary conviction to a fine not exceeding £400 and on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both".
- (2) The Authority shall be a public body for the purposes of the Prevention of Corruption Acts 1889 to 1916, and accordingly the expressions " public body " and " such public body " in those Acts shall include the Authority.
- (3) When an offence under section 21(5), 24(7) or 35(4) of this Act or regulations made by virtue of section 5(2)(b) or 26 of this Act which has been committed by a body corporate 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.
- (4) Where the affairs of a body corporate are managed by its members the preceding subsection 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.
- (5) Any offence under any provision made by or under 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.

## 63 Orders and regulations

- (1) Any power to make an order or regulations which is conferred on the Secretary of State by this Act (excluding section 15) shall be exercisable by statutory instrument; and any statutory instrument made by virtue of this subsection (except an instrument containing such orders as are mentioned in the following subsection, orders appointing a day and regulations under section 56 of this Act) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) No order shall be made under section 50(5), 51(1) or 57(1) of this Act unless a draft of the order has been approved by a resolution of each House of Parliament, and no order shall be made under section 46(1) of this Act unless a draft of the order has been approved by a resolution of the House of Commons.
- (3) An order made by the Secretary of State in pursuance of any provision of this Act (except section 15) may be revoked or varied by a subsequent order made in pursuance of that provision; but an order appointing a day with respect to any matter shall not be revoked or varied by virtue of this subsection as respects that matter by an order made on or after that day.
- (4) Any power to make an order or regulations which is conferred on the Secretary of State by this Act (excluding section 15) includes power—
  - (a) to make different provision for different circumstances ; and
  - (b) to include in the order or regulations such incidental or supplementary provisions as the Secretary of State considers appropriate for the purposes of the order or regulations.

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## 64 Interpretation

(1) In this Act the following expressions have the following meanings except where the context otherwise requires—

" accounting year ", in relation to the Authority or the Board or the group within the meaning of Part III of this Act, means the period of twelve months ending with the 31st March in any year except that the first accounting year of the Authority or the Board or the said group shall, if the Secretary of State so directs, be such period shorter or longer than twelve months (but not longer than two years) and ending with a 31st day of March as is specified in the direction;

" aerodrome ", except in section 14(1) of this Act and Schedule 2 to this Act, 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 8 of the Civil Aviation Act 1949 (which among other things enables provision to be made by Order in Council with respect to the safety and navigation of aircraft);

" 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 assigned to it by section 21(1)(a) of this Act;

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

" the Authority " has the meaning assigned to it by section 1(1) of this Act;

" the Board " has the meaning assigned to it by section 37(1) of this Act;

" cargo " includes mail;

" 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 assigned to it by section 7(1) of this Act;

" land " includes any estate or other interest in land and any easement or servitude ;

" licence ", in sections 22 to 24 of this Act, means air transport licence;

" modifications " includes additions, omissions and amendments, and " modify " shall be construed accordingly ;

" operator ", in relation to an aircraft, means the person for the time being having the management of the aircraft;

" prescribed " means prescribed by regulations ;

" regulations " means regulations made by the Secretary of State ;

" relevant overseas territory " means any of the Channel Islands, the Isle of Man, any colony and any country or place outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction ;

" reward ", in relation to a flight, includes any form of consideration received or to be received wholly or partly in connection with the flight

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irrespective of the person by whom or to whom the consideration has been or is to be given ;

" subsidiary", except in Part III of this Act, shall be construed in accordance with section 154 of the Companies Act 1948 ; and

" United Kingdom national " means an individual who is—

- (a) a citizen of the United Kingdom and Colonies ; or
  - (b) a British subject by virtue of section 2 of the British Nationality Act 1948 (which provides for the continuance as British subjects of certain citizens of the Republic of Ireland); or
  - (c) a British subject without citizenship by virtue of section 13 or section 16 of the said Act of 1948 ; or
  - (d) a British subject by virtue of the British Nationality Act 1965 ; or
  - (e) a British protected person within the meaning of the said Act of 1948.
- (2) For the purposes of this Act a hovercraft within the meaning of the Hovercraft Act 1968 is not an aircraft.
- (3) Any reference in this Act to any enactment is a reference to it as amended by or under any other enactment.

## **65 Application of Act to Northern Ireland**

- (1) In the application of this Act to Northern Ireland—
- (a) any reference to an enactment of the Parliament of Northern Ireland (except a reference to Schedule 5 or 6 to the Roads Act (Northern Ireland) 1948) or to an enactment which that Parliament has power to amend—
    - (i) shall be construed as including a reference to any enactment of the Parliament of Northern Ireland passed after this Act and re-enacting the said enactment with or without modifications;
    - (ii) shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by any enactment, whether passed before or after this Act, and as including a reference thereto as extended or applied by or under any other enactment, including this Act;
  - (b) "Act" and "enactment" (except in subsection (3) of the preceding section) include respectively an Act and an enactment of the Parliament of Northern Ireland.
- (2) For the purposes of section 6 of the Government of Ireland Act 1920, this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.

## **66 Application of Act to certain overseas territories**

- (1) Her Majesty may by Order in Council direct that—
- (a) any of the provisions of this Act shall extend, with such modifications (if any) as may be specified in the Order, to any relevant overseas territory; or
  - (b) any provision of this Act shall apply in relation to an aircraft registered in any relevant overseas territory as it applies in relation to an aircraft registered

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in the United Kingdom but with such modifications (if any) as may be so specified.

- (2) An Order in Council made by virtue of the preceding subsection may be revoked or varied by a subsequent Order in Council so made.

## **67 Expenses**

There shall be paid out of money provided by Parliament—

- (a) any administrative expenses incurred by any government department in consequence of any provision of this Act;
- (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.

## **68 Transitional provisions and saving**

- (1) The transitional provisions contained in Schedule 9 to this Act shall have effect.
- (2) Nothing in this Act shall be construed as derogating from the powers to make Orders in Council or other instruments conferring a function on the Authority which are exercisable by virtue of section 8 of the Civil Aviation Act 1949 (which among other things relates to the safety and navigation of aircraft) or section 16 of the Civil Aviation Act 1968 (which relates to the mortgaging of aircraft) or by virtue of any other enactment whatsoever.

## **69 Minor and consequential amendments of enactments, and repeals**

- (1) The enactments specified in Schedule 10 to this Act shall have effect subject to the amendments there specified (which are minor amendments and amendments consequential on the provisions of this Act).
- (2) The enactments mentioned in the first and second columns of Schedule 11 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

## **70 Citation and commencement**

- (1) This Act may be cited as the Civil Aviation Act 1971, and this Act and the Civil Aviation Acts 1949 to 1968 may be cited together as the Civil Aviation Acts 1949 to 1971.
- (2) This Act shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed in pursuance of this subsection for different provisions of this Act and for such different purposes of the same provision as may be specified in the order.