

1973 No. 1761

## CIVIL AVIATION

**The Protection of Aircraft Act 1973 (Jersey) Order 1973***Made* - - - 24th October 1973*Coming into Operation* 24th November 1973

At the Court at Buckingham Palace, the 24th day of October 1973

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 27(2) of the Protection of Aircraft Act 1973(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Protection of Aircraft Act 1973 (Jersey) Order 1973 and shall come into operation on 24th November 1973.

2. In this Order the expression "Jersey" means the Bailiwick of Jersey including, unless the context otherwise requires, the territorial waters adjacent thereto.

3. The provisions of the Protection of Aircraft Act 1973 shall extend to Jersey with such exceptions, adaptations and modifications as are specified in the Schedule hereto.

*W. G. Agnew.*

## SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS  
TO THE PROTECTION OF AIRCRAFT ACT 1973

1. Subject as hereinafter provided and save where the context otherwise requires—

(a) any reference to the Protection of Aircraft Act 1973 or to any other Act of Parliament shall be construed as a reference thereto as extended to Jersey;

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(a) 1973 c. 47.

- (b) any reference to the United Kingdom shall be construed as a reference to Jersey;
  - (c) any reference to the Secretary of State shall be construed as a reference to the Committee;
  - (d) any reference to the manager of an aerodrome shall be construed as a reference to the Director, Harbours and Airport; or, in his absence, any person acting as or carrying out the duties of the Director;
  - (e) any reference to a constable shall be construed as a reference to a police officer.
2. In section 1(6)(b) for the words after “been an offence under” there shall be substituted the words “the law of Jersey if it had been committed in Jersey.”.
3. For section 1(7) there shall be substituted the following provision:—
- “(7) In this section “act of violence” means—
- (a) any act done in any part of Jersey which constitutes the offence of murder, attempted murder, manslaughter or assault or an offence under Article 2 of the Loi (1884) sur les Matières Explosives; and
  - (b) any act done outside Jersey which, if done in Jersey, would constitute such offence as is mentioned in the preceding paragraph.”.
4. In section 2(5)—
- (a) from paragraph (b) there shall be omitted the words “registered in the United Kingdom or”;
  - (b) from paragraph (c) there shall be omitted the words “so registered or”.
5. For section 3(2) there shall be substituted the following provision:—
- “(2) The preceding subsection shall have effect without prejudice to the operation in Jersey in relation to any offence under section 1 or section 2 of this Act of any customary law relating to aiders and abettors.”.
6. For section 4(2) there shall be substituted the following provision:—
- “(2) Proceedings for an offence under this Act shall not be instituted without the consent of the Attorney General of Jersey.”.
7. Section 4(3) and (4) shall be omitted.
8. Section 5 shall be omitted.
9. Section 6 shall be omitted.
10. In section 7(2)—
- (a) for the words “Great Britain” in both places where they occur there shall be substituted the word “Jersey”;
  - (b) the words “culpable homicide” shall be omitted;
  - (c) for the words after “assault” there shall be substituted the words “or an offence under Article 2 of the Loi (1884) sur les Matières 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—

(a) intends to destroy or damage any property or is reckless as to whether any property would be destroyed or damaged; and

(b) intends by the destruction or damage to endanger the life of another or being reckless as to whether the life of another would be thereby endangered.”.

11. For section 8(1) there shall be substituted the following provision:—

“(1) The Harbours and Airport Committee may, by notice in writing served on any person who is the operator of one or more aircraft operating in Jersey, require that person to inform the Committee of the measures, of a description specified in the notice, which are being taken in respect of aircraft operating in Jersey of which he is the operator for purposes to which this Part of this Act applies.”.

12. For section 8(3) there shall be substituted the following provision:—

“(3) Any such notice shall also require the person on whom it is served, after he has furnished to the Committee the information required by the notice in accordance with subsection (1) of this section, to inform the Committee if at any time—

(a) any further measures, in respect of aircraft operating in Jersey of which at that time he is the operator, are taken for purposes to which this Part of this Act applies, either by way of alteration of, or addition to, the measures specified in any information previously furnished by him under this section or by way of applying any measures so specified to aircraft not comprised in the previous information, or

(b) any measures taken as mentioned in that subsection or in paragraph (a) of this subsection are discontinued.”.

13. In section 9(1) the words “registered or” shall be omitted.

14. Section 9(2), (3) and (4) shall be omitted.

15. In section 9(5) the words “registered or” and all the words following paragraph (c) shall be omitted.

16. In section 9(7) the words “or subsection (2)” shall be omitted.

17. In section 11(1) and (4) the words “registered or” wherever they occur shall be omitted.

18. In section 11(1) for the words “that aerodrome” there shall be substituted the words “an aerodrome”.

19. In section 11(6) the words “or manager” shall be omitted in both places where they occur.

20. Section 12(2) and (3) shall be omitted.

21. In section 12(6) for the word “to” there shall be substituted the words “. (4) and”.

22. For section 13(5) there shall be substituted the following provision:—  
“(5) A direction shall not require anything to be done or not done at a place outside Jersey.”.
23. Section 15(3) and (4) shall be omitted.
24. For section 15(5) there shall be substituted the following provision:—  
“(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 16(1)—  
(a) paragraph (a) shall be omitted;  
(b) paragraphs (b), (c) and (d) shall be renumbered (a), (b) and (c);  
(c) the word “other” shall be omitted.
26. In section 17(1) the words “registered or” shall be omitted.
27. In section 18(1) the figure “8” shall be omitted.
28. In section 18(2) the words “and any reference” and all words thereafter shall be omitted.
29. In section 18(3) the words “a notice under section 8 or” shall be omitted.
30. Section 18(4) shall be omitted.
31. In section 18(5)—  
(a) for the words “the authority responsible for one or more air navigation installations” there shall be substituted the words “the Director, Harbours and Airport”.  
(b) in paragraph (a) for the word “it” there shall be substituted the words “the Committee”.
32. In section 19(2) for the words “the aerodrome” where they first occur there shall be substituted the words “an aerodrome”.
33. In section 19(3)(a) the words “and, where the direction was given to the authority responsible for the air navigation installation, as if it had been given to the manager of that aerodrome” shall be omitted.
34. Section 19(4) shall be omitted.
35. For section 20(6) and (7) there shall be substituted the following provisions—  
“(6) A person guilty of an offence under section 16 of this Act shall be liable to a fine or to imprisonment for a term not exceeding five years or both.  
(7) 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 two years or both.”.
36. In section 22(1) the words “or the authority responsible for an air navigation installation” shall be omitted and for the words “that air navigation installation” there shall be substituted the words “an air navigation installation”.

37. For section 22(4) there shall be substituted the following provision—

“(4) Any compensation to which a person is entitled under this section shall be payable to him by the Committee.”.

38. For section 23 there shall be substituted the following provisions:—

“23.—(1) The Harbours and Airport Committee with the approval of the States Finance and Economics Committee may, out of the General Revenues of the States, reimburse to any person who is the operator of one or more aircraft operating in Jersey, the whole of any expenses which, for purposes to which Part II of this Act applies, may at any time after the commencement of this Act be incurred by that person in relation to those aircraft whether the expenses are incurred in consequence of a direction given under Part II of this Act or not.

(2) For the purposes of this section any expenses incurred in paying compensation under section 22 of this Act shall be treated as being expenses incurred as mentioned in the last preceding subsection.”.

39. Section 24 shall be omitted.

40. In section 26(1)—

(a) for the definition of “aerodrome” there shall be substituted the following definition:—

“ “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 other 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) in the definition of “aircraft registered or operating in the United Kingdom” for the words before “for the time being allocated” there shall be substituted the words “aircraft operating in Jersey” means any aircraft which is ;

(c) after the definition of “article” there shall be inserted the following definition:—

“ “Committee” means the Harbours and Airport Committee of the States of Jersey;;

(d) the definition of “constable” shall be omitted;

(e) after the definition of “firearm” there shall be inserted the following definition:—

“ “the Jersey Airport” means the premises for the time being belonging to the States of Jersey and 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” shall be omitted;

(g) after the definition of “operator” there shall be inserted the following definition:—

“ “police officer” means a Centenier or a member of the States of Jersey Police or the Director, Harbours and Airport:.”.

41. Section 26(2), (5) and (9) shall be omitted.

42. Section 27 shall be omitted.
43. Section 28(2) and (3) shall be omitted:
44. For the Schedule there shall be substituted the following provisions:--

## "SCHEDULE

Section 22

## 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 Director, Harbours and Airport, 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 Director, Harbours and Airport, 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 13 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 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.
5. Regulations made by the Committee by order may make provision--
  - (a) requiring compensation to which this Schedule applies, in such cases as may be specified in the regulations, 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;
  - (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 the 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 as aforesaid 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 order of the Royal Court.

(4) Subject to the provisions of the last preceding sub-paragraph, 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."

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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order extends the provisions of the Protection of Aircraft Act 1973 to Jersey with exceptions, adaptations and modifications.

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