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STATUTORY INSTRUMENTS

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**1984 No. 355**

**CIVIL AVIATION**

**The Civil Aviation Act 1980 (Overseas Territories) Order 1984**

*Made - - - - -* 14th March 1984  
*Coming into Operation* 1st April 1984

At the Court at Buckingham Palace, the 14th day of March 1984

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 30(1) of the Civil Aviation Act 1980 **(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 Civil Aviation Act 1980 (Overseas Territories) Order 1984 and shall come into operation on 1st April 1984.
2. Section 3 and section 10(1) of and Schedule 1 to the Civil Aviation Act 1980, modified as in Schedule 1 hereto, shall extend to the territories specified in Schedule 2 hereto.

*N. E. Leigh,*  
Clerk of the Privy Council.

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**(a)** 1980 c.60.

## SCHEDULE 1

## Article 2.

SECTION 3 AND SECTION 10(1) OF AND SCHEDULE 1 TO THE CIVIL AVIATION ACT 1980  
AS EXTENDED TO THE TERRITORIES SPECIFIED IN SCHEDULE 2

3.—(1) On the appointed day all property, rights, liabilities and obligations of the British Airways Board (referred to below in this section and in Schedule 1 to this Act as “the Board”) to which the Board is entitled or subject immediately before that day shall become by virtue of this section property, rights, liabilities and obligations of British Airways Plc.

(3) Any agreement made, transaction effected or other thing done by, to or in relation to the Board which is in force or effective immediately before the appointed day shall have effect on and after that day as if made, effected or done by, to or in relation to British Airways Plc, in all respects as if British Airways Plc were the same person, in law, as the Board; and accordingly references to the Board—

- (a) in any agreement (whether or not in writing) and in any deed, bond or other instrument;
- (b) in any process or other document issued, prepared or employed for the purpose of any proceeding before any court or other tribunal or authority; and
- (c) in any other document whatsoever (other than an enactment) relating to or affecting any property, right, liability or obligation of the Board which vests by virtue of this section in British Airways Plc;

shall be taken on and after the appointed day as referring to British Airways Plc.

(5) Schedule 1 to this Act contains specific provisions with respect to the effect in certain respects of the vesting of the property, rights, liabilities and obligations of the Board in British Airways Plc by virtue of this section; but nothing in those provisions shall be taken as prejudicing the general effect of the preceding provisions of this section.

(6) References in this section to property, rights, liabilities and obligations of the Board are references to all such property, rights, liabilities and obligations, whether or not capable of being transferred or assigned by the Board.

(9) In any enactment including an enactment of the legislature of any territory to which this section applies, or in any instrument made thereunder, in force in any such territory immediately before the appointed day, other than the Civil Aviation Act 1971 (Overseas Territories) Order 1973 (a) and the Air Corporations (Dissolution) Order 1973 (b), any reference to the Board shall be construed on and after the appointed day as a reference to British Airways Plc.

10.—(1) In section 3 of and Schedule 1 to this Act “appointed day” means such day as the Secretary of State may appoint under this Act as it applies in the United Kingdom.

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(a) S.I. 1973/1891.

(b) S.I. 1973/2175.

## SCHEDULE 1 TO THE ACT

Section 3(5).

## EFFECT OF SECTION 3 IN CERTAIN CASES

*Modification of Agreements*

1. Where immediately before the appointed day there is in force an agreement which—

- (a) confers or imposes on the Board any rights, liabilities or obligations which vest in British Airways Plc by virtue of section 3 of this Act; and
- (b) refers (in whatever terms and whether expressly or by implication) to a member or officer of the Board;

the agreement shall have effect, in relation to anything falling to be done on or after the appointed day as if for that reference there was substituted a reference to such person as British Airways Plc may appoint or, in default of appointment, to the officer of British Airways Plc who corresponds as nearly as may be to the member or officer of the Board in question.

2.—(3) For the purposes of any relevant pension arrangements—

- (a) any period of employment by the Board of an employee of the Board who becomes an employee of British Airways Plc shall be treated as employment by British Airways Plc.
- (b) any period of a person's employment before the appointed day by a company which becomes a wholly owned subsidiary of British Airways Plc on the appointed day shall be treated as employment by a wholly owned subsidiary of British Airways Plc.

(4) References in this paragraph to relevant pension arrangements are references to any arrangements for the payment of pensions, allowances or gratuities which by virtue of section 3(3) of this Act have effect as if made by British Airways Plc and any further arrangements made by British Airways Plc for corresponding purposes.

Article 2.

## SCHEDULE 2

Bermuda

Gibraltar

Hong Kong

## EXPLANATORY NOTE

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

This Order extends to Bermuda, Gibraltar and Hong Kong the provisions of section 3 and section 10(1) of and Schedule 1 to the Civil Aviation Act 1980, modified as in Schedule 1 to the Order. Those provisions as extended provide for the vesting of the property, rights, liabilities and obligations of the British Airways Board in British Airways Plc under the law of the territories concerned.

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