

## SCHEDULE 1

### EXTENSION OF PROVISIONS OF THE AVIATION SECURITY ACT 1982 TO THE BAILIWICK OF GUERNSEY

#### PART II

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

1. In section 1 (hijacking):
  - (a) in subsections (1) and (2)(ii) for the words “the United Kingdom” there shall be substituted “Guernsey”;
  - (b) in subsection (2)(iii) after the words “United Kingdom”, wherever they occur, there shall be inserted “or Guernsey”; and
  - (c) 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 Guernsey as it has effect in the United Kingdom.”.
2. 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 “Guernsey”; and
  - (b) for subsections (6) and (7) there shall be substituted:

“(6) In this section “unlawfully”—

    - (a) in relation to the commission of an act in Guernsey means so as (apart from this Act) to constitute an offence under the law of Guernsey; and
    - (b) in relation to the commission of an act outside Guernsey, means so that the commission of the act would (apart from this Act) have been an offence under the law of Guernsey if it had been committed in Guernsey.

(7) In this section “act of violence” means—

    - (a) an act done in Guernsey which constitutes the offence of murder, attempted murder, manslaughter or assault or an offence under section 2 of the Explosive Substances Law 1939; and
    - (b) any act done outside Guernsey which, if done in Guernsey, would constitute such an offence as is mentioned in paragraph (a) above.”.
  3. In section 3 (other acts endangering or likely to endanger safety of aircraft), for the words “the United Kingdom”, wherever they occur except where they first occur in subsection (5)(b), there shall be substituted “Guernsey”.
  4. In section 4 (offences in relation to certain dangerous articles), 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 “Guernsey”.
  5. 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 “Guernsey”; and
    - (b) at the end of subsection (2) there shall be added:

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“References in this subsection to the Civil Aviation Act 1982 are references to that Act as extended to Guernsey by the Civil Aviation Act 1982 (Guernsey) Order 1992, as amended.(1).”

6. In section 6 (ancillary offences):
  - (a) for the words “the United Kingdom”, wherever they occur, there shall be substituted “Guernsey”;
  - (b) in subsection (1) after the words “Act 1982” there shall be inserted “as extended to Guernsey by the Civil Aviation Act 1982 (Guernsey) Order 1992, as amended”;
  - (c) in subsection (1) for the words from “culpable homicide” to “Act 1883” there shall be substituted “or assault or an offence under section 2 of the Explosive Substances Law 1939”; and
  - (d) subsection (4) shall be omitted.
7. In section 7 (powers exercisable on suspicion of intended offence under Part I):
  - (a) in subsection (1):
    - (i) for the words “a constable” there shall be substituted “an officer of police”;
    - (ii) for the words “the constable” there shall be substituted “the officer of police”; and
    - (iii) for the words “the United Kingdom” there shall be substituted “Guernsey”; and
  - (b) subsection (3) shall be omitted.
8. 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 “Guernsey”; and
  - (b) for the words from “culpable homicide” to the end of the subsection there shall be substituted:

“or assault or an offence under section 2 of the Explosive Substances Law 1939 or section 1 of the Criminal Damage (Bailiwick of Guernsey) Law 1983.”
9. 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 “Board”;
  - (b) for subsection (1) there shall be substituted:

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

    - (a) is the operator of one or more aircraft operating in Guernsey,
    - (b) occupies any land forming part of an aerodrome in Guernsey, 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 Board with such information specified in the notice as the Board may require in connection with the exercise by the Board of its functions under this Part of this Act.”; and
  - (c) in subsection (4) for the word “him” there shall be substituted “the Board”.
10. In section 11A (designation of restricted zones):
  - (a) for subsection (1) there shall be substituted the following subsection:

“(1) The Board may designate the whole or any part of any aerodrome as a restricted zone for the purposes of this Part of this Act.”;

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(1) [S.I. 1992/230](#), as amended by [S.I. 1992/806](#).

- (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 “Guernsey” 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 “Board”.
- 11.** 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 “Board”;
  - (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 “Guernsey”;
    - (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 “officers of police”;
  - (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 “Guernsey”; 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”; and
  - (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.
- 12.** 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 “Board”;
    - (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 “officers of police”;
  - (b) in subsection (3):
    - (i) the words “to the manager of an aerodrome” shall be omitted; and
    - (ii) for the words “a constable” there shall be substituted “an officer of police”; and
  - (c) subsection (5) shall be omitted.
- 13.** In subsection (1) of section 13A (power to require other persons to promote searches):
- (a) for the words “Secretary of State” there shall be substituted “Board”;
  - (b) for the words “manager of an aerodrome” there shall be substituted “Airport Director”;

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- (c) for the words “the United Kingdom” there shall be substituted “Guernsey”; and
  - (d) for the word “constables” there shall be substituted “officers of police”.
- 14.** 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 “Board”;
  - (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 “Guernsey”; 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 Guernsey”; 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”; and
  - (d) in subsection (2) for the words “a person as the manager of an aerodrome” there shall be substituted “the Airport Director”.
- 15.** 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 “officers of police”;
    - (ii) for the words from “chief officer of police” to “measures taken” there shall be substituted “Chief Officer of the Police Force of the Island of Guernsey”; and
    - (iii) for the words “Secretary of State” there shall be substituted “Board”;
  - (c) in subsection (6) for the word “to” there shall be substituted “, (4) and”;
  - (d) subsection (8) shall be omitted.
- 16.** 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 “Guernsey”;
  - (b) in subsection (4) for the words “a constable” there shall be substituted “an officer of police”;
  - (c) for subsection (5) there shall be substituted:
    - “(5) A direction shall not have effect insofar as it requires anything to be done or not done at a place outside Guernsey.”; and
  - (d) in subsection (6) for the words “manager of an aerodrome” there shall be substituted “Airport Director”.
- 17.** 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 “Board”;
  - (b) for the word “he”, in both places where it occurs, there shall be substituted “the Board”.

**18.** In section 18 (objections to certain directions under section 14) for the words “Secretary of State”, wherever they occur, there shall be substituted “Board”.

**19.** In section 18A (enforcement notices):

- (a) in subsection (2) for the words “Secretary of State” there shall be substituted “Board”; and
- (b) subsection (3) shall be omitted.

**20.** In section 18B (contents of enforcement notice):

- (a) in subsection (1) for the words “Secretary of State” there shall be substituted “Board”;
- (b) in subsection (3) the words “Subject to subsection (4) below,” and “or (2)” shall be omitted; and
- (c) subsection (4) shall be omitted.

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

**22.** 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 “Guernsey”;
- (b) subsections (3) and (4) shall be omitted; and
- (c) for subsection (5) there shall be substituted:

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

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

- (a) in subsection (1):
  - (i) for the words “Secretary of State” there shall be substituted “Board”;
  - (ii) for the words “the United Kingdom”, wherever they occur, there shall be substituted “Guernsey”; and
  - (iii) in paragraph (a) the words “registered or” shall be omitted; and
- (b) in subsection (2) for the words “manager of the aerodrome” there shall be substituted “Airport Director”.

**24.** 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 “Guernsey”;
- (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 “Guernsey for which the Board is responsible”.

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- 25.** In section 21A (false statements relating to baggage, cargo etc.):
- (a) for the words “the United Kingdom”, wherever they occur, there shall be substituted “Guernsey”;
  - (b) in subsection (1), the words “registered or” shall be omitted and for the words “a constable” there shall be substituted “an officer of police”; and
  - (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.
- 26.** In section 21B (false statements in connection with identity documents):
- (a) in subsection (1) for the words “a constable”, in both places where they occur, there shall be substituted “an officer of police”;
  - (b) in subsection (2) for the words “Secretary of State” there shall be substituted “Board”; and
  - (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 Guernsey”.
- 27.** In subsection (1) of section 21C (unauthorised presence in restricted zone), in paragraphs (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”.
- 28.** In subsection (1) of section 21D (unauthorised presence on board aircraft), for the words “the United Kingdom” there shall be substituted “Guernsey”.
- 29.** 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 Board”;
  - (b) in subsection (1) for the words “the United Kingdom” there shall be substituted “Guernsey”; and
  - (c) subsection (4) shall be omitted.
- 30.** In section 21G (duty to report certain occurrences):
- (a) for the words “the Secretary of State” and “him”, wherever they occur, there shall be substituted “the Board”;
  - (b) for subsection (4) there shall be substituted:  
“(4) Regulations under this section shall not require the reporting of occurrences taking place outside Guernsey.”; and
  - (c) subsection (5) shall be omitted.
- 31.** 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 Board”.
- 32.** In section 24 (service of documents):
- (a) for the words “the United Kingdom”, wherever they occur, there shall be substituted “Guernsey”; and

(b) in subsection (5) for the words “Secretary of State” there shall be substituted “Board”.

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

**34.** In section 38 (interpretation etc.)<sup>(2)</sup>:

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

““aerodrome” means—

- (i) Guernsey Airport at La Villiaze, being the airport in respect of which the Board holds an aerodrome licence granted by the Royal Court and including all land in respect of which the said licence is for the time being granted;
- (ii) Alderney Airport, being the airport in respect of which the States of Alderney hold an aerodrome licence granted by the Royal Court and including all land in respect of which the said licence is for the time being granted;
- (iii) if and so far as not comprised in paragraph (i) or (ii) above, any lands, buildings or works situated within the boundaries of an area designated, by order of the Board, 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 Guernsey” 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 Guernsey;

“Airport Director” means the person for the time being appointed as such by the Board;”;

(c) after the definition of “article” in subsection (1) there shall be inserted:

““the Board” means the Board of Administration of the States of Guernsey;”;

(d) the definition of “constable” in subsection (1) shall be omitted;

(e) after the definition of “firearm” in subsection (1) there shall be inserted:

““Guernsey” means the Bailiwick of Guernsey;”;

(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 Guernsey by the Civil Aviation Act 1982 (Guernsey) Order 1992, as amended)”<sup>(3)</sup>;

(h) after the definition of “operator” in subsection (1) there shall be inserted:

““officer of police” means:

- (i) in relation to Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey;
- (ii) in relation to Alderney, a member of the said police force and a member of any police force which may be established by the States of Alderney and, within the limits of his jurisdiction, a special constable appointed by the Court of Alderney under section 15 of the Government of Alderney Law 1987; and
- (iii) in relation to Sark, the Constable and the Vingtenier and a member of the said police force of the Island of Guernsey;”;

<sup>(2)</sup> The definition of “United Kingdom national” has been amended by the Schedule to the Hong Kong (British Nationality) Order 1986 (S.I. 1986/948).

<sup>(3)</sup> S.I. 1992/230, as amended by S.I. 1992/806.

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- (i) subsection (2) shall be omitted;
  - (j) in subsection (3) for the words “the United Kingdom”, wherever they occur, there shall be substituted “Guernsey”;
  - (k) for subsection (4) there shall be substituted:
    - “(4) For the purposes of this Act “Guernsey” includes the territorial waters adjacent thereto.”; and
  - (l) subsections (5) and (8) shall be omitted.
- 35.** Subsection (2) of section 41 (short title and commencement) shall be omitted.
- 36.** For Schedule 1 (provisions relating to compensation) there shall be substituted:

“SCHEDULE 1

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 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 (2) to (4) of the rules set out in section 5 of the Land Compensation Act 1961<sup>(4)</sup> 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. The Board may by regulations 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; 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 Board and the other by the person claiming the compensation save that, if an arbitrator is not appointed by the person claiming compensation within a period of 14 days immediately following the date of a notice served upon him by the Board requiring him to appoint an arbitrator for the purposes of

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(4) 1961 c. 33.



this paragraph, then he shall be nominated by the Board and any arbitrator so nominated shall be deemed to be the arbitrator appointed by the person claiming the compensation.

(2) Arbitrators appointed under sub-paragraph (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 an Ordinary Court, 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 sub-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 hypothecation.”.

37. 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 Guernsey by the Protection of Aircraft Act 1973 (Guernsey) Order 1973)”<sup>(5)</sup>; and
- (c) in paragraph 7:
  - (i) after the words “Act 1978” there shall be inserted “(as extended to Guernsey by the Suppression of Terrorism Act 1978 (Guernsey) Order 1978)”<sup>(6)</sup>; and
  - (ii) after the words “Act 1982” there shall be inserted “(as extended to Guernsey by the Aviation Security (Guernsey) Order 1997)”.

38. In Schedule 3 (repeals):

- (a) all of the entries, except those relating to the Tokyo Convention Act 1967<sup>(7)</sup>, the Hijacking Act 1971<sup>(8)</sup>, the Protection of Aircraft Act 1973<sup>(9)</sup> and the Civil Aviation Act 1982<sup>(10)</sup>, shall be omitted;
- (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 Guernsey by the Tokyo Convention Act 1967 (Guernsey) Order 1969<sup>(11)</sup>, the Hijacking Act 1971 (Guernsey) Order 1971<sup>(12)</sup>, the Protection of Aircraft Act 1973 (Guernsey) Order 1973 and the Civil Aviation Act 1982 (Guernsey) Order 1992, as amended, respectively; and
- (c) the repeal by Schedule 3 of any provision which was not extended to the Bailiwick of Guernsey by those Orders shall be disregarded.

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<sup>(5)</sup> S.I. 1973/1760.

<sup>(6)</sup> S.I. 1978/1529.

<sup>(7)</sup> 1967 c. 52.

<sup>(8)</sup> 1971 c. 70.

<sup>(9)</sup> 1973 c. 47.

<sup>(10)</sup> 1982 c. 16.

<sup>(11)</sup> S.I. 1969/596.

<sup>(12)</sup> S.I. 1971/1744.