

SCHEDULE 1

Article 4

**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.

**Commencement Information**

**II** Sch. 1 para. 1 in force at 16.5.2001, see [art. 1](#)

**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

**Status:** This version of this schedule contains provisions that are prospective.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Civil Aviation Act 1982 (Overseas Territories) Order 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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(1) 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.

#### Commencement Information

**I2** Sch. 1 para. 2 in force at 16.5.2001, see [art. 1](#)

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(1) 1995 c. 21.

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**Changes and effects yet to be applied to :**

- Sch. 1 para. 1 coming into force by [S.I. 2001/1452 art. 1](#)
- Sch. 1 para. 2 coming into force by [S.I. 2001/1452 art. 1](#)