



# Civil Aviation Act 1982

## 1982 CHAPTER 16

### PART III

#### REGULATION OF CIVIL AVIATION

##### *General*

- 60 Power to give effect to Chicago Convention and to regulate air navigation, etc.**
- (1) Subject to section 11(7) above, Her Majesty may by Order in Council under this section (in this Act referred to as “an Air Navigation Order”) make such provision as is authorised by subsections (2) and (3) below or otherwise by this Act or any other enactment.
  - (2) An Air Navigation Order may contain such provision as appears to Her Majesty in Council to be requisite or expedient—
    - (a) for carrying out the Chicago Convention, any Annex thereto relating to international standards and recommended practices (being an Annex adopted in accordance with the Convention) and any amendment of the Convention or any such Annex made in accordance with the Convention; or
    - (b) generally for regulating air navigation.
  - (3) Without prejudice to the generality of subsection (2) above or to any other provision of this Act, an Air Navigation Order may contain provision—
    - (a) as to the registration of aircraft in the United Kingdom;
    - (b) for prohibiting aircraft from flying unless certificates of airworthiness issued or validated under the Order are in force with respect to them and except upon compliance with such conditions as to maintenance or repair as may be specified in the Order;
    - (c) for the licensing, inspection and regulation of aerodromes, for access to aerodromes and places where aircraft have landed, for access to aircraft factories for the purpose of inspecting work therein carried on in relation to

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aircraft or parts thereof and for prohibiting or regulating the use of unlicensed aerodromes;

- (d) for prohibiting persons from engaging in, or being employed in or (except in the maintenance at unlicensed aerodromes of aircraft not used for or in connection with commercial, industrial or other gainful purposes) in connection with, air navigation in such capacities as may be specified in the Order except in accordance with provisions in that behalf contained in the Order, and for the licensing of those employed at aerodromes licensed under the Order in the inspection or supervision of aircraft;
- (e) as to the conditions under which, and in particular the aerodromes to or from which, aircraft entering or leaving the United Kingdom may fly, and as to the conditions under which aircraft may fly from one part of the United Kingdom to another;
- (f) as to the conditions under which passengers . . . <sup>F1</sup> may be carried by air and under which aircraft may be used for other commercial, industrial or gainful purposes, . . . <sup>F1</sup>
- [<sup>F2</sup>(ff) as to the conditions under which goods may be carried by air, for prohibiting the carriage by air of goods of such classes as may be specified in the Order, and for conferring, on such persons as may be so specified, powers relating to the enforcement of any such condition or prohibition (including powers to examine, take samples of, seize and detain any goods, powers to open any baggage or packages containing goods or to require them to be opened and powers to require the production of any documents);]
- (g) for minimizing or preventing interference with the use or effectiveness of apparatus used in connection with air navigation, and for prohibiting or regulating the use of such apparatus as aforesaid and the display of signs and lights liable to endanger aircraft;
- (h) generally for securing the safety, efficiency and regularity of air navigation and the safety of aircraft and of persons and property carried therein, for preventing aircraft endangering other persons and property and, in particular, for the detention of aircraft for any of the purposes specified in this paragraph;
- [<sup>F3</sup>(ha) for safeguarding the health of persons on board aircraft;]
- (i) for requiring persons engaged in, or employed in or in connection with, air navigation to supply meteorological information for the purposes of air navigation;
- (j) for regulating the making of signals and other communications by or to aircraft and persons carried therein;
- <sup>F4</sup>(k) . . . . .
- (l) for prohibiting aircraft from flying over such areas in the United Kingdom as may be specified in the Order;
- (m) for applying, adapting or modifying the enactments for the time being in force relating to customs or excise in relation to aerodromes and to aircraft and to persons and property carried therein and for preventing smuggling by air, and for permitting in connection with air navigation, subject to such conditions as appear to Her Majesty in Council to be requisite or expedient for the protection of the revenue, the importation of goods into the United Kingdom without payment of duty;
- (n) as to the manner and conditions of the issue, validation, renewal, extension or variation of any certificate, licence or other document required by the Order (including the examinations and tests to be undergone), and as to the form,

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custody, production, cancellation, suspension, endorsement and surrender of any such document;

- (o) ..... <sup>F5</sup>
- (p) for specifying, subject to the consent of the Treasury, the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate, licence or other document or the undergoing of any examination or test required by the Order and in respect of any other matters in respect of which it appears to Her Majesty in Council to be expedient for the purpose of the Order to charge fees:
- (q) for exempting from the provisions of the Order or any of them any aircraft or persons or classes of aircraft or persons;
- (r) for prohibiting aircraft from taking off or landing in the United Kingdom unless there are in force in respect of those aircraft such certificates of compliance with standards as to noise as may be specified in the Order and except upon compliance with the conditions of those certificates; and
- (s) for regulating or prohibiting the flight of aircraft over the United Kingdom at speeds in excess of Flight Mach 1.

- (4) An Air Navigation Order may make different provision with respect to different classes of aircraft, aerodromes, persons or property and with respect to different circumstances and with respect to different parts of the United Kingdom but shall, so far as practicable, be so framed as not to discriminate in like circumstances between aircraft registered in the United Kingdom operated on charter terms by one air transport undertaking and such aircraft so operated by another such undertaking.

<sup>F6</sup>(5) .....

- (6) In this section a reference to goods shall include a reference to mails or animals.

#### Textual Amendments

- F1** Words repealed by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), ss. 47(a), 53(2), **Sch. 4**
- F2** [S. 60\(3\)\(ff\)](#) inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 47(b)
- F3** [S. 60\(3\)\(ha\)](#) inserted (1.3.2007) by [Civil Aviation Act 2006 \(c. 34\)](#), ss. 8(5), 14; S.I. 2007/598, **art. 2**, Sch. 1
- F4** [S. 60\(3\)\(k\)](#) repealed (8.11.1995) by 1995 c. 44, s. 1, **Sch. 1 Pt. V**
- F5** [S. 60\(3\)\(o\)](#) repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), **Sch. 6 Pt. II**
- F6** [S. 60\(5\)](#) repealed (24.4.1994) by S.I. 1994/426 (N.I. 1) arts. 1(2), 71(4), Sch. 10 (with art. 16)

#### Modifications etc. (not altering text)

- C1** [S. 60](#) amended by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 35
- C2** [S. 60](#) extended (with modifications) (1.4.2007) by [The Civil Aviation \(Isle of Man\) Order 2007 \(S.I. 2007/614\)](#), **art. 2(a)**, Sch.
- C3** [S. 60](#) extended (Anguilla) (with modifications) (8.5.2019) by [The Civil Aviation Act 1982 \(Anguilla\) Order 2019 \(S.I. 2019/756\)](#), arts. 1, 2, **Sch.**
- C4** [S. 60](#) extended (overseas territories) (with modifications) (26.5.2021) by [The Civil Aviation Act 1982 \(Overseas Territories\) Order 2021 \(S.I. 2021/477\)](#), arts. 1(1), 2, **Sch.**

## 61 Air Navigation Orders etc.: supplemental.

- (1) An Air Navigation Order may, for the purpose of securing compliance with its provisions, provide—

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- (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 (l) of subsection (3) of section 60 above, 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.

[<sup>F7</sup>(2A) Subsection (2)(c) above shall have effect with the substitution of five years for “two years” in the case of a provision about endangering an aircraft or a person in an aircraft.]

- (3) Without prejudice to section 127(2) of the <sup>M1</sup>Magistrates’ Courts Act 1980 or to Article 19(2) of the <sup>M2</sup>Magistrates’ Courts (Northern Ireland) Order 1981 (no time limit for offences triable either way), summary proceedings for an offence against an Air Navigation Order, or any regulations made by virtue of such an Order, may be instituted at any time within twelve months from the commission of the offence if—
- (a) it was committed in connection with the flight of an aircraft in the course of which an accident occurred; and
  - (b) not more than six months after the commission of the offence—
    - (i) public notice has been given that an investigation into the accident is being carried out in accordance with regulations under section 75 below; or
    - (ii) the Secretary of State (acting alone or with any government department) has directed that a public inquiry into the accident be held in accordance with those regulations.

(4) In subsection (3) above “accident” has the same meaning as it has for the time being for the purposes of section 75 below; and for the purposes of that subsection, the flight of an aircraft shall be deemed to include any period from the moment when the power is applied for the purpose of the aircraft taking off on a flight until the moment when the landing run (if any) at the termination of that flight ends.

(5) The fact that any such direction as is mentioned in subsection (3)(b)(ii) above has been given on any date may be proved by the production of a certificate to that effect purporting to be signed by an officer of the Secretary of State.

(6) ..... <sup>F8</sup>

- (7) There shall be paid out of moneys provided by Parliament—
- (a) any sums payable by Her Majesty’s Government in the United Kingdom by way of contribution to the expenses of the International Civil Aviation Organisation under the Chicago Convention;
  - (b) such expenses of any delegate, representative or nominee of Her Majesty’s Government in the United Kingdom appointed for any purposes connected with the Chicago Convention as may be approved by the Treasury; and

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- (c) any expenses incurred by Her Majesty's Government in the United Kingdom for the purposes of Chapter XV of the Chicago Convention (which relates to the provision of airports and other air navigation facilities).
- (8) There shall be paid into the Consolidated Fund—
- (a) all sums received by Her Majesty's Government in the United Kingdom by way of repayment of expenses incurred for the purposes of the said Chapter XV; and
  - (b) all sums received by way of fees paid under an Air Navigation Order.

#### **Textual Amendments**

**F7** S. 61(2A) inserted (10.7.2003 with effect as mentioned in s. 3) by [Aviation \(Offences\) Act 2003](#) (c. 19), **ss. 2**

**F8** S. 61(6) repealed by [Airports Act 1986](#) (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. II**

#### **Modifications etc. (not altering text)**

**C5** S. 61 extended (with modifications) (Overseas Territories) (16.5.2001) by [S.I. 2001/1452](#), art. 4, Schs. 1, 2 (with art. 5)

**C6** S. 61 extended (with modifications) (1.4.2007) by [The Civil Aviation \(Isle of Man\) Order 2007](#) (S.I. 2007/614), **art. 2(b)**, Sch.

**C7** S. 61 extended (overseas territories) (26.5.2021) by [The Civil Aviation Act 1982 \(Overseas Territories\) Order 2021](#) (S.I. 2021/477), arts. 1(1), 2, **Sch.**

#### **Marginal Citations**

**M1** 1980 c. 43.

**M2** S.I. 1981/1675 (N.I. 26).

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