

1972 No. 455

CIVIL AVIATION**The Air Navigation (Noise Certification) (Amendment)
Order 1972***Laid before Parliament in draft**Made* - - - *22nd March 1972**Coming into Operation* *1st April 1972*

At the Court of Saint James, the 22nd day of March 1972

Present,**Her Majesty Queen Elizabeth The Queen Mother
Her Royal Highness The Princess Anne
Lord President
Earl St. Aldwyn
Mr Amery
Chancellor of the Duchy of Lancaster**

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the fourth day of February 1972, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness The Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, His Royal Highness The Prince Charles, Prince of Wales, Her Royal Highness The Princess Anne, Her Royal Highness The Princess Margaret, Countess of Snowdon, and His Royal Highness The Duke of Gloucester, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness The Prince Philip, Duke of Edinburgh, His Royal Highness The Prince Charles, Prince of Wales, Her Royal Highness The Princess Anne and Her Royal Highness The Princess Margaret, Countess of Snowdon, while absent from the United Kingdom:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Anne, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by section 8 of the

Civil Aviation Act 1949(a), as amended(b), and section 57 of the said Act of 1949, and all other powers enabling Her Majesty in that behalf, do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows:

Citation and Operation

1. This Order may be cited as the Air Navigation (Noise Certification) (Amendment) Order 1972 and shall come into operation on 1st April 1972.

Interpretation

2.—(1) In this Order “the principal Order” means the Air Navigation (Noise Certification) Order 1970(c).

(2) The Interpretation Act 1889(d) applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament.

Amendment of Air Navigation (Noise Certification) Order 1970

3. The principal Order shall be amended as follows:

- (1) Subject to the following paragraph, references to “the Board” wherever they appear in the principal Order (except in Article 1(a)) shall be replaced by references to “the Civil Aviation Authority”;
- (2) In Article 2(1) for the definition of “Prescribed” there shall be substituted:

“ “Prescribed” means prescribed by Regulations made by the Secretary of State under this Order”;
- (3) In Articles 2(2) and 4 proviso (a) for “1966 as amended” there shall be substituted “1972”;
- (4) In Articles 3(1)(d)(ii) and 16 after “the Civil Aviation Authority” as substituted by paragraph (1) of this Article, there shall be inserted “after consultation with the Secretary of State”;
- (5) In Article 4(a)(ii) for “the Board of Trade” there shall be substituted “the Secretary of State”;
- (6) In the heading to Article 5 for “the Board of Trade” there shall be substituted “the Civil Aviation Authority”;
- (7) In Article 14:
 - (a) in paragraph (3) for “ten pounds” there shall be substituted “£50” and for “twenty pounds” there shall be substituted “£100”;
 - (b) for paragraphs (4) and (5) there shall be substituted:

“(4) If any person contravenes Article 12 of this Order he shall be liable on summary conviction to a fine not exceeding £100, or in the case of a second or subsequent conviction for the like offence to a fine not exceeding £200; and on conviction on indictment to a fine not exceeding £200”;

(a) 1949 c. 67.

(b) The relevant amendments are section 19 of the Civil Aviation Act 1968 (c. 61) and section 62(1) of the Civil Aviation Act 1971 (c. 75).

(c) S.I. 1970/823 (1970 II, p. 2669).

(d) 1889 c. 63.

tion on indictment to a fine not exceeding £200 or imprisonment for a term not exceeding 6 months.

(5) If any person contravenes Article 4, 9 or 13 of this Order he shall be liable on summary conviction to a fine not exceeding £400 and on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both."

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Air Navigation (Noise Certification) Order 1970 by substituting the Civil Aviation Authority for the Board of Trade. However, in those provisions which relate to the making of Regulations, the Secretary of State has been substituted for the Board of Trade. The Authority will now be required to consult the Secretary of State before granting exemptions from the Air Navigation (Noise Certification) Order 1970 as now amended. The penalties for failing to comply with the provisions of the Order have been increased by this amendment.

SI 1972/455
ISBN 0-11-020455-7

