

2019 No. 756

CIVIL AVIATION

The Civil Aviation Act 1982 (Anguilla) Order 2019

Made - - - - *10th April 2019*

Coming into force - - *8th May 2019*

At the Court at Windsor Castle, the 10th day of April 2019

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by section 108 of the Civil Aviation Act 1982(a).

Her Majesty, by and with the advice of Her Privy Council, orders as follows:

Citation and commencement

1. This Order may be cited as the Civil Aviation Act 1982 (Anguilla) Order 2019 and comes into force on 8th May 2019.

Extension of provisions of the Civil Aviation Act 1982 to Anguilla

2. The provisions of the Civil Aviation Act 1982 ("the Act") specified in the first column of the table in the Schedule extend to Anguilla with the modifications specified in the second column of that table.

Richard Tilbrook
Clerk of the Privy Council

(a) 1982 c.16. Section 108(1) was amended by section 83(1) of, and paragraph 8(2) of Schedule 4 to, the Airports Act 1986 (c.31). Section 108(2) was amended by S.I. 2001/4050.

SCHEDULE

Article 2

<i>Provisions extended</i>	<i>Modifications (including additions, amendments and omissions) of the provisions of the Act which are extended to Anguilla</i>
Section 39 (trespassing on licensed or authorised aerodromes)	<p>In the heading omit “or authorised”.</p> <p>In subsection (1)—</p> <p>(a) omit “or authorised by a certificate under the Aerodromes Regulation”;</p> <p>(b) omit “summary”;</p> <p>(c) for “level 3 on the standard scale”, substitute “£1,000, or its equivalent in the currency of the Territory”.</p>
Section 47, subsections (1) to (8) and (10) (warning of presence of obstructions near licensed or authorised aerodromes)	<p>In the heading omit “or authorised”.</p> <p>For “Secretary of State”, in each place it occurs, substitute “Governor”.</p> <p>In subsection (1) omit “or authorised”.</p> <p>In subsection (4) for “Lord Chief Justice or, in Scotland, by a single arbiter appointed by the Lord President of the Court of Session” substitute “Chief Justice or other chief judicial officer of the Territory”.</p> <p>In subsection (7)—</p> <p>(a) omit “summary” in both places it occurs;</p> <p>(b) for “level 4 on the standard scale or to both” substitute “£2,500, or its equivalent in the currency of the Territory, or to both such imprisonment and such a fine”;</p> <p>(b) for “level 3 on the standard scale” substitute “£1,000, or its equivalent in the currency of the Territory”.</p> <p>In subsection (10)—</p> <p>(a) omit the definition of “authorised aerodrome”;</p> <p>(b) omit the words from “and nothing in section 104(1)” to the end.</p>
Section 60 (power to give effect to Chicago Convention and to regulate air navigation, etc.)	<p>In subsection (3)—</p> <p>(a) for “United Kingdom”, in each place it occurs, substitute “Territory”;</p> <p>(b) omit paragraph (ha);</p> <p>(c) in paragraph (p) for “specifying, subject to the consent of the Treasury,” substitute “prescribing, or enabling the Governor to prescribe,”.</p> <p>In subsection (4), for “United Kingdom”, in both places it occurs, substitute “Territory”.</p> <p>After subsection (6) add—</p> <p>“(7) An Air Navigation Order may authorise the Governor to give such instructions, for the</p>

Section 64, subsections (1) and (2) (restriction of unlicensed carriage by air for reward)

purposes of the Order, as are specified in the Order, in respect of such matters as are specified in the Order.”.

In subsection (1)—

(a) for “No aircraft” substitute “The Governor may, with the consent of the Secretary of State, make regulations to secure that no aircraft”;

(b) for “CAA in pursuance of section 65 below” substitute “authority specified in regulations under this subsection”.

For subsection (2) substitute—

“(2) Regulations made under subsection (1) may make provision—

(a) as to the circumstances in which a licence under the regulations may or shall be granted, refused, revoked or suspended, and in particular as to the matters to which the authority specified in the regulations is to have regard in deciding whether to grant or refuse such a licence;

(b) as to appeals from the authority by persons interested in the grant, refusal, revocation or suspension of any licence under the regulations;

(c) as to the conditions which may be attached to such a licence (including conditions as to the fares, freight or other charges to be charged by the holder of the licence), and for securing compliance with any conditions so attached;

(d) as to the information to be furnished by an applicant for, or the holder of, such a licence to the authority;

(e) prescribing the fees to be paid in respect of the grant of any licence under the regulations, or enabling such fees to be prescribed by any person or authority specified in that behalf by the regulations.

(2A) Regulations made under subsection (1) may, for the purpose of securing compliance with the regulations, provide for the imposition of the following penalties—

(a) in the case of a first offence

against the regulations, a fine not exceeding £5,000, or its equivalent in the currency of the Territory, or imprisonment for a term not exceeding three months, or both such fine and such imprisonment; and

- (b) in the case of a second or subsequent offence against the regulations, a fine, or imprisonment for a term not exceeding two years, or both such fine and such imprisonment.

(2B) Subsection (1) above applies to—

- (a) any flight in any part of the world by an aircraft registered in the Territory; and
- (b) any flight beginning or ending in the Territory by any aircraft.

Section 76, subsections (1) to (3) (liability of aircraft in respect of trespass, nuisance and surface damage)

In subsection (1) omit “and of any orders under section 62 above”.

Section 77 (nuisance caused by aircraft on aerodromes)

No modification.

Section 84, subsections (3) and (4) (provision by others of information for the CAA and Secretary of State)

For subsections (3) and (4) substitute—

“(3) Provision may be made by regulations made by the Governor, with the consent of the Secretary of State, for requiring—

- (a) the persons specified in subsection (4) to provide such information as may be specified by regulations in accordance with subsection (5) to such authorities as may be specified;
- (b) a person who is the operator or pilot in command of any aircraft arriving at, or departing from, an aerodrome in the Territory to provide the holder of the licence for that aerodrome with such information as may be necessary to enable the licence holder to comply with its obligations under the regulations.

(4) The following persons are specified for the purposes of subsection (3)(a)—

- (a) a person who carries on the business in the Territory of carrying passengers or goods in aircraft for hire or reward on such journeys or classes of journeys (whether beginning and ending at the same point or at different points) as may be specified in the regulations; or
- (b) a person who is the holder of a licence issued by the authority in the Territory in respect of an aerodrome.

(5) The information specified for the purposes of subsection (3)(a)—

- (a) must be in such form and provided at such times as may be prescribed;
- (b) must be of such description as may be prescribed for—
 - (i) persons specified in subsection (4)(a) and persons employed in connection with the carrying on of such a business; or
 - (ii) persons employed in connection with the use of the aerodrome; and
 - (iii) persons employed by operators of aircraft arriving at, or departing from, the aerodrome.

(6) If a person required to furnish information by virtue of subsection (3) fails to comply with the requirement or in purported compliance with the requirement knowingly or recklessly furnishes information which is false in a material particular, then—

- (a) in the case of a first failure to comply with the requirement he shall be guilty of an offence and liable on conviction to a fine of an amount not exceeding £1000, or its equivalent in the currency of the Territory;
- (b) in any other case he shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a term not exceeding two years or to both;

	and a person who fails to comply with a requirement imposed on him in pursuance of subsection (3) shall be guilty of an offence by virtue of paragraph (a) of this subsection notwithstanding that at any relevant time he is outside the Territory and is neither a United Kingdom national nor a body incorporated under the law of a part of the Territory or of another territory.”
Section 87 (application of law of wreck and salvage)	In subsection (3) for “Her Majesty’s dominions” substitute “the Territory”.
Section 89, subsections (1) to (4) (exemption of aircraft and parts thereof from seizure on patent claims)	For “United Kingdom”, in each place it occurs, substitute “Territory”.
Section 91 (jurisdiction in civil matters)	No modification.
Section 99, subsections (3) and (5) (offences)	In subsection (5) omit from “, except” to the end of the subsection.
Section 101 (power to apply certain provisions to Crown aircraft)	In subsection (1) omit paragraph (b). In subsection (2) for “75 to 77, 87, 89, 91, 96 and 97” substitute “91”.
Section 102, subsections (1), (2) and (4) (powers to make Orders in Council, orders and regulations)	In subsection (1)— (a) for “Secretary of State” substitute “Governor”; and (b) omit “, other than a power conferred by a provision of this Act specified in Part I of Schedule 13 to this Act,”.
Schedule 13 (subordinate instruments)	In Part 2— (a) omit all rows other than the rows which make provision in respect of sections 60, 84, 89(4), 91 and 101; and (b) for the entry in respect of section 60 substitute “Subject to the negative resolution procedure”.
	In Part 3— (a) in paragraph 4(1)— (i) omit “, order” in each place it occurs; (ii) omit “or with any enactment which is mentioned in sub-paragraph (2) below,”; (b) omit paragraph 4(2); (c) in paragraph 6— (i) for “United Kingdom”, in each place it occurs, substitute “Territory”; (ii) omit sub-paragraphs (7) and (9); (iii) for “sub-paragraphs (5) and (7)”, in both places it occurs, substitute “sub-paragraph (5)”.
Section 105, subsection (1) and subsections (2) to (4) (general interpretation)	In subsection (1)— (a) omit all the definitions except the definitions of— “aerodrome”; “Air Navigation Order”;

“the Chicago Convention”;
“flight”;
“operator”;
“prescribed”;
“reward”;
(b) in the definition of “prescribed”, for
“Secretary of State” substitute “Governor”;
(c) after the definition of “flight” insert—
““Governor” means the officer for the time
being administering the Territory;”;
(d) after the definition of “reward” insert—
““the Territory” means Anguilla;”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends certain provisions of the Civil Aviation Act 1982 (“the 1982 Act”) to Anguilla.

Article 2 and the table in the Schedule make provision in relation to Anguilla and aircraft registered in Anguilla. The provisions of the 1982 Act specified in the first column of the table in the Schedule extend to Anguilla, with the modifications specified in the second column of that table.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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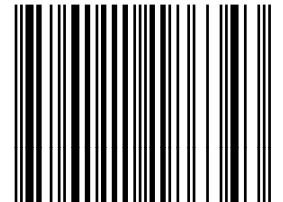
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