

This Statutory Instrument has been made in consequence of defects in S.I. 2013/2870 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2021 No. 524

CIVIL AVIATION

The Air Navigation (Overseas Territories) (Amendment) Order 2021

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|-------------------------------|---------|------------------------|
| <i>Made</i> | - - - - | <i>28th April 2021</i> |
| <i>Laid before Parliament</i> | | <i>5th May 2021</i> |
| <i>Coming into force</i> | - - | <i>26th May 2021</i> |

At the Court at Windsor Castle, the 28th day of April 2021

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by sections 60, 61(1) and (2), 77 and 101 of, and Parts 2 and 3 of Schedule 13 to, the Civil Aviation Act 1982⁽¹⁾.

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 Air Navigation (Overseas Territories) (Amendment) Order 2021 and it comes into force on 26th May 2021.

Amendment of the Air Navigation (Overseas Territories) Order 2013

2.—(1) The Air Navigation (Overseas Territories) Order 2013⁽²⁾ is amended as follows.

(2) After article 187 (application of Order), insert—

(1) 1982 c. 16. Section 60 was amended by section 83(5) of, and Part 2 of Schedule 6 to, the Airports Act 1986 (c. 31), section 47 of, and Schedule 4 to, the Aviation and Maritime Security Act 1990 (c. 31), section 1 of, and Part 5 of Schedule 1 to, the Statute Law (Repeals) Act 1995, section 8 of the Civil Aviation Act 2006 (c. 34), and S.I. 1994/426. Section 101 and Part 3 of Schedule 13 were amended by section 106 of the Civil Aviation Act 2012 (c. 19) and S.I. 2001/4050. Sections 60, 61(1) and (2), 77 and 101 and Parts 2 and 3 of Schedule 13 are extended (subject to some modifications) to Anguilla and to Pitcairn, Henderson, Ducie and Oeno Islands by S.I. 2021/477.

(2) S.I. 2013/2870 as amended by S.I. 2014/2925, 2014/3281, 2015/1769 and 2019/853.

“Application of certain provisions of this Order to Anguilla

187A. Insofar as they did not previously have effect in Anguilla, the following provisions of this Order have effect there from 26th May 2021—

- (a) article 14(4) (deemed offences in respect of flights by unregistered aircraft);
 - (b) article 67(2) (contravention of Rules of the Air);
 - (c) article 68(4) (contravention of directions prohibiting or restricting flying);
 - (d) article 185(4)(5)(6) (contravention of Order or regulations made under it);
 - (e) Schedule 5 (penalties).”.
- (3) In Schedule 6 (territories to which the Order applies)—
- (a) omit the entry for Pitcairn, Henderson, Ducie and Oeno Islands;
 - (b) after the entry for “Montserrat” insert “Pitcairn, Henderson, Ducie and Oeno Islands”.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Air Navigation (Overseas Territories) Order 2013 (“the 2013 Order”).

Article 2(2) ensures that certain provisions of the 2013 Order made pursuant to section 61(1) of the Civil Aviation Act 1982 (power to provide for offences and penalties, etc.) apply to Anguilla with effect from 26th May 2021. A modified version of section 61(1) and (2) is extended to Anguilla from that date by the Civil Aviation Act 1982 (Overseas Territories) Order 2021 (S.I. 2021/477), replacing a previous defective version which had been extended to Anguilla by the Civil Aviation Act 1982 (Overseas Territories) Order 2001 (S.I. 2001/1452).

Article 2(3)(b) amends Schedule 6 to the 2013 Order to the effect that Pitcairn, Henderson, Ducie and Oeno Islands (“the Pitcairn Islands”) are an overseas territory to which the 2013 Order applies. The powers in the 1982 Act under which the 2013 Order is made are extended to the Pitcairn Islands by S.I. 2021/477. By way of incidental provision, article 2(3)(a) revokes a previous reference to the Pitcairn Islands in the 2013 Order, which was defective because the powers relied on by the 2013 Order had not been extended to those Islands at the time the 2013 Order was made.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An Explanatory Memorandum has been published alongside this Order and is available with this Order on www.legislation.gov.uk.