



Jersey

**CIVIL AVIATION ACT 1982 (JERSEY)  
(AMENDMENT) ORDER 1998**

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**APPENDIX**



Jersey

# **CIVIL AVIATION ACT 1982 (JERSEY) (AMENDMENT) ORDER 1998**

**Jersey Order in Council 18/1998**

**THE CIVIL AVIATION ACT 1982 (JERSEY) (AMENDMENT) ORDER 1998**

(Registered on the 3rd day of July 1998)

**At the Court at Buckingham Palace**

18th day of March 1998

PRESENT

**The Queen's Most Excellent Majesty in Council**

**HER MAJESTY**, in pursuance of section 108(1) of the Civil Aviation Act 1982, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows –

**1.** This Order may be cited as the Civil Aviation Act 1982 (Jersey) (Amendment) Order 1998 and shall come into force on 18th May 1998.

**2.** In paragraph 14 of Part II of Schedule 1 to the Civil Aviation Act 1982 (Jersey) Order 1990<sup>1</sup> (hereinafter referred to as “the 1990 Order”) –

(a) sub-paragraph (c) shall be omitted;

(b) at the end, there shall be added –

“; and

<sup>1</sup> Recueil des Lois, Volume 1990–1991, page 156.

(h) after subsection (12), there shall be added –

“(13) In subsections (1), (3), (4) and (5) above, “prescribed” means prescribed by order of the Committee.””.

3. In paragraph 28 of Part II of Schedule 1 to the 1990 Order,<sup>2</sup> at the end, there shall be added –

“; and

(c) after subsection (5), there shall be added –

“(6) the Subordinate Legislation (Jersey) Law 1960, as amended, shall apply to an order made by the Committee under this Act as if this Act were an enactment for the purposes of that Law. ””.

**N.H. NICHOLLS**

*Clerk of the Privy Council.*

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<sup>2</sup> Recueil des Lois, Volume 1990–1991, page 164.

**CIVIL AVIATION ACT 1982**

**1982 CHAPTER 16**

*ARRANGEMENT OF SECTIONS*

*PART I*

ADMINISTRATION

\* \* \* \* \*

*PART II*

AERODROMES AND OTHER LAND

\* \* \* \* \*

*PART III*

REGULATION OF CIVIL AVIATION

**General**

\* \* \* \* \*

**War and emergencies**

\* \* \* \* \*

**Air transport, etc.**

\* \* \* \* \*

**Air navigation services**

\* \* \* \* \*

**Trespass by aircraft and aircraft nuisance, noise, etc.**

76. \* \* \* \* \*

77. \* \* \* \* \*

78. Regulation of noise and vibration from aircraft.

79. \* \* \* \* \*

80. \* \* \* \* \*

81. \* \* \* \* \*

82. \* \* \* \* \*

**Records and provision of information, etc.**

\* \* \* \* \*

*PART IV*

AIRCRAFT

\* \* \* \* \*

*PART V*

MISCELLANEOUS AND GENERAL

99. \* \* \* \* \*

100. \* \* \* \* \*

101. \* \* \* \* \*

102. Powers to make Orders in Council, orders and regulations.

103. \* \* \* \* \*

104. \* \* \* \* \*

105. \* \* \* \* \*

106. \* \* \* \* \*

107. \* \* \* \* \*

108. \* \* \* \* \*

109. \* \* \* \* \*

110. \* \* \* \* \*

SCHEDULE \* \* \* \* \*  
S

**ELIZABETH II**



**CIVIL AVIATION ACT 1982**

**1982 CHAPTER 16**

**AN ACT** to consolidate certain enactments relating to civil aviation.

[27th May 1982]

**BE IT ENACTED** by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows<sup>3</sup> –

*PART I*

ADMINISTRATION

\* \* \* \* \*

*PART II*

AERODROMES AND OTHER LAND

\* \* \* \* \*

*PART III*

REGULATION OF CIVIL AVIATION

*General*

\* \* \* \* \*

*War and emergencies*

\* \* \* \* \*

*Air transport, etc.*

\* \* \* \* \*

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<sup>3</sup> Deletions and words in square brackets indicate adaptations and modifications made by The Civil Aviation Act 1982 (Jersey) (Amendment) Order 1998.

*Air navigation services*

\* \* \* \* \*

*Trespass by aircraft and aircraft nuisance, noise, etc.*

76. \* \* \* \* \*

77. \* \* \* \* \*

**Regulation of noise and vibration from aircraft**

78.-(1) The [Committee] may by a notice published [in the prescribed manner] provide that it shall be the duty of the person who is the operator of an aircraft which is to take off or land at [an aerodrome] to secure that, after the aircraft takes off or, as the case may be, before it lands at the aerodrome, such requirements as are specified in the notice are complied with in relation to the aircraft, being requirements appearing to the [Committee] to be appropriate for the purpose of limiting or of mitigating the effect of noise and vibration connected with the taking off or landing of aircraft at the aerodrome.

(2) It appears to the [Committee] that any requirement specified in relation to [an aerodrome] in a notice published in pursuance of subsection (1) above has not been complied with as respects any aircraft [it] may, after affording to the person who at the relevant time was the operator of the aircraft an opportunity of making representations to [it] with respect to the matter and after considering any representations then made by that person, [take such steps as may be necessary to ensure that facilities are withheld to such extent as the Committee may determine from aircraft of which the person aforesaid is the operator and from his servants].

(3) If the [Committee] considers it appropriate, for the purpose of avoiding, limiting or mitigating the effect of noise and vibration connected with the taking-off or landing of aircraft at [an aerodrome], to prohibit aircraft from taking off or landing, or limit the number of occasions on which they may take off or land, at the aerodrome during certain periods, [it] may by a notice published [in the prescribed manner] do all or any of the following, that is to say –

- (a) prohibit aircraft of descriptions specified in the notice from taking off or landing at the aerodrome (otherwise than in an emergency of a description so specified) during periods so specified;
- (b) specify the maximum number of occasions on which aircraft of descriptions so specified may be permitted to take off or land at the aerodrome (otherwise than as aforesaid) during periods so specified;
- (c) determine the persons who shall be entitled to arrange for aircraft of which they are the operators to take off or land at the aerodrome during the periods specified under paragraph (b) above and, as respects each of those persons, the number of occasions on which aircraft of a particular description of which he is the operator may take off or land at the aerodrome during those periods.

\* \* \* \* \*

(4) Without prejudice to subsection (5)(f) below, a particular occasion or series of occasions on which aircraft take off or land at an aerodrome shall be disregarded for the purposes of any notice under subsection (3) above in respect of that aerodrome if –

- (a) on that occasion or series of occasions the aircraft take off or land in circumstances specified for the purposes of this subsection in relation to that aerodrome by the [Committee] in a notice published [in the prescribed manner]; and
- (b) the [Committee] determines that that occasion or series of occasions should be so disregarded;

\* \* \* \* \*

(5) The following supplementary provisions shall have effect for the purposes of subsection (3) above, that is to say –

- (a) it shall be the duty of the [Committee], before [it] makes a determination in respect of an aerodrome in pursuance of paragraph (c) of that subsection, to consult any body appearing to him to be representative of operators or aircraft using the aerodrome;
- (b) a notice under that subsection may make, in relation to [an aerodrome], provision as respects any period notwithstanding that the period is included in or that there is included in the period, any other period as respects which provision relating to the aerodrome is made by the notice or by another notice under that subsection;
- (c) if it appears to the [Committee] that an aircraft is about to take off in contravention of any prohibition or restriction imposed in pursuance of that subsection, then \* \* \* \* \*, any person authorised by the [Committee] for the purpose may detain the aircraft for such period as that person considers appropriate for preventing the contravention and may, for the purpose of detaining the aircraft, enter upon the land;
- (d) \* \* \* \* \*
- [(e) nothing in that subsection requires the Committee to prevent an aircraft from landing at an aerodrome]; and
- (f) the [Committee] may, by a notice given [in the prescribed manner] \* \* \* \* \* determine that a particular occasion or series of occasions on which aircraft take off or land at the aerodrome shall be disregarded for the purposes of the notice under that subsection.

(6) \* \* \* \* \*

(7) \* \* \* \* \*

(8) \* \* \* \* \*

(9) \* \* \* \* \*

(10) \* \* \* \* \*

(11) \* \* \* \* \*

(12) Any notice published in pursuance of subsection (1), (3) or (4) above may contain such incidental or supplementary provisions as the [Committee] considers appropriate for the purposes of that subsection and may be varied or revoked by a subsequent notice published in pursuance of that subsection.

[(13) In subsections (1), (3), (4) and (5) above “prescribed” means prescribed by order of the Committee.]

79. \* \* \* \* \*

80. \* \* \* \* \*

81. \* \* \* \* \*

82. \* \* \* \* \*

*Records and provision of information, etc.*

\* \* \* \* \*

*PART IV*

AIRCRAFT

\* \* \* \* \*

*PART V*

MISCELLANEOUS AND GENERAL

99. \* \* \* \* \*

100. \* \* \* \* \*

101. \* \* \* \* \*

**Powers to make Orders in Council, orders and regulations**

**102.**-(1) Any power conferred on the Secretary of State by this Act to make an order or regulations, \* \* \* \* \* shall be exercisable by statutory instrument.

(2) The powers to make Orders in Council, orders and regulations which are conferred by virtue of the provisions of this Act specified in column 1 of Part II of the said Schedule 13 (being the Orders in Council, orders and regulations a general description of which is given in column 2 of that Part) –

(a) \* \* \* \* \*

(b) shall, to the extent specified in column 4 of that Part, include the powers conferred by virtue of Part III of that Schedule.

(3) \* \* \* \* \*

(4) \* \* \* \* \*

(5) \* \* \* \* \*

[(6) The Subordinate Legislation (Jersey) Law 1960, as amended, shall apply to an Order made by the Committee under this Act as if this Act were an enactment for the purposes of that Law.]

**103.** \* \* \* \* \*

**104.** \* \* \* \* \*

**105.** \* \* \* \* \*

**106.** \* \* \* \* \*

**107.** \* \* \* \* \*

**108.** \* \* \* \* \*

**109.** \* \* \* \* \*

**110.** \* \* \* \* \*

*Jersey Order in Council 18/1998*

*The Civil Aviation Act 1982 (Jersey) (Amendment)  
Order 199*

*SCHEDULES*

\* \* \* \* \*