



Jersey

# **AVIATION SECURITY (JERSEY) ORDER 1993**

**Unofficial extended UK law**

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Showing the law as at 1 January 2019

**APPENDIX**





Jersey

# AVIATION SECURITY (JERSEY) ORDER 1993

**Jersey Order in Council 14/1993**

**THE AVIATION SECURITY (JERSEY) ORDER 1993**

*(Registered on the 18th day of June 1993)*

**At the Court at Buckingham Palace**

12th May 1993

PRESENT

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

**HER MAJESTY**, in pursuance of section 39(3) of the Aviation Security Act 1982 and, as respects the extension of section 5 of that Act, section 8 of the Tokyo Convention Act 1967<sup>1</sup> and of section 51(1) of the Aviation and Maritime Security Act 1990, 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 Aviation Security (Jersey) Order 1993 and shall come into force on 12th June 1993.

**2.-(1)** The provisions of the Aviation Security Act 1982 which are listed in Part I of Schedule 1 to this Order shall extend to the Bailiwick of Jersey with the exceptions, adaptations and modifications specified in Part II of that Schedule.

**(2)** Sections 1 and 50 of the Aviation and Maritime Security Act 1990 shall extend to the Bailiwick of Jersey with the exceptions, adaptations and modifications specified in Schedule 2 to this Order.

<sup>1</sup> Volume 1968–1969, page 240.

*Jersey Order in Council 14/1993*

*The Aviation Security (Jersey) Order 199*

(3) The Orders specified in Schedule 3 to this Order are hereby revoked to the extent that they relate to the extension to the Bailiwick of Jersey of any enactment which is repealed by and re-enacted in the Aviation Security Act 1982.

**N.H. NICHOLLS**

*Clerk of the Privy Council.*

*SCHEDULE 1***(Article 2(1))****Extension of provisions of the Aviation Security Act 1982 to the Bailiwick of Jersey***PART I***PROVISIONS EXTENDED**

Section 1 (hijacking).  
 Section 2 (destroying, damaging or endangering safety of aircraft).  
 Section 3 (other acts endangering or likely to endanger safety of aircraft).  
 Section 4 (offences in relation to certain dangerous articles).  
 Section 5 (jurisdiction of courts in respect of air piracy).  
 Section 6 (ancillary offences).  
 Section 7 (powers exercisable on suspicion of intended offence under Part I).  
 Section 10 (purposes to which Part II applies).  
 Section 11 (power for Secretary of State to require information).  
 Section 11A (designation of restricted zones).  
 Section 12 (power to impose restrictions in relation to aircraft).  
 Section 13 (power to require aerodrome managers to promote searches at aerodromes).  
 Section 13A (power to require other persons to promote searches).  
 Section 14 (general power to direct measures to be taken for purposes to which Part II applies).  
 Section 15 (matters which may be included in directions under sections 12 to 14).  
 Section 16 (limitation on scope of directions under sections 12 to 14).  
 Section 17 (general or urgent directions under sections 12 and 14).  
 Section 18 (objections to certain directions under section 14).  
 Section 18A (enforcement notices).  
 Section 18B (contents of enforcement notice).  
 Section 18C (offences relating to enforcement notices).  
 Section 18D (objections to enforcement notices).  
 Section 18E (enforcement notices: supplementary).  
 Section 19 (operation of directions under Part II in relation to rights and duties under other laws).  
 Section 20 (inspection of aircraft and aerodromes).  
 Section 21 (application of provisions of Part II to air navigation installations).  
 Section 21A (false statements relating to baggage, cargo, etc.).  
 Section 21B (false statements in connexion with identity documents).  
 Section 21C (unauthorised presence in restricted zone).  
 Section 21D (unauthorised presence on board aircraft).  
 Section 21E (offences relating to authorised persons).  
 Section 21F (air cargo agents).  
 Section 21G (duty to report certain occurrences).  
 Section 22 (compensation in respect of certain measures taken under Part II), together with Schedule 1.  
 Section 24 (service of documents).  
 Section 24A (interpretation of Part II).  
 Section 37 (offences by bodies corporate).  
 Section 38 (interpretation, etc.).

Section 40 (consequential amendments, savings and repeals), together with Schedules 2 and 3.

Section 41 (short title and commencement).

## *PART II*

### **Exceptions, adaptations and modifications to the provisions of the AVIATION SECURITY ACT 1982 which are extended to the Bailiwick of Jersey by Part I of this Schedule**

**1.** Any reference in the Act to the Act or a provision of it is a reference to the Act or provision as extended to the Bailiwick of Jersey.

**2.** In section 1 (hijacking) –

- (a) in subsections (1) and (2)(ii) for the words “the United Kingdom” there shall be substituted “Jersey”;
- (b) in subsection (2)(iii) after the words “United Kingdom”, wherever they occur, there shall be inserted “or Jersey”;
- (c) in subsection (3) the words “on conviction on indictment” shall be omitted; and
- (d) at the end of subsection (4) there shall be added –

“An order made under this subsection as it applies in the United Kingdom shall have effect in Jersey as it has effect in the United Kingdom.”.

**3.** In section 2 (destroying, damaging or endangering safety of aircraft) –

- (a) in subsections (3) and (4) for the words “the United Kingdom”, wherever they occur, there shall be substituted “Jersey”;
- (b) in subsection (5) the words “on conviction on indictment” shall be omitted; and
- (c) for subsections (6) and (7) there shall be substituted –

“(6) In this section ‘unlawfully’ –

- (a) in relation to the commission of an act in Jersey means so as (apart from this Act) to constitute an offence under the law of Jersey, and
- (b) in relation to the commission of an act outside Jersey, means so that the commission of the act would (apart from this Act) have been an offence under the law of Jersey if it had been committed in Jersey.

(7) In this section ‘act of violence’ means –

- (a) an act done in Jersey which constitutes the offence of murder, attempted murder, manslaughter or assault or an offence under Article 2 of the Loi (1884) sur les Matières Explosives; and
- (b) any act done outside Jersey which, if done in Jersey, would constitute such an offence as is mentioned in paragraph (a) above.”.

**4.** In section 3 (other acts endangering or likely to endanger safety of aircraft) –

- (a) for the words “the United Kingdom”, wherever they occur except where they first occur in subsection (5)(b), there shall be substituted “Jersey”; and
- (b) in subsection (7) the words “on conviction on indictment” shall be omitted.

**5.** In section 4 (offences in relation to certain dangerous articles) –

- (a) for the words “the United Kingdom”, wherever they occur in subsection (1) except where they first occur in paragraph (a) of that subsection, there shall be substituted “Jersey”; and
- (b) for subsection (4) there shall be substituted –

“(4) A person guilty of an offence under this section shall be liable on conviction to a fine or to imprisonment for a term not exceeding five years or to both.”.

**6.** In section 5 (jurisdiction of courts in respect of air piracy) –

- (a) in subsection (1), for the words “the United Kingdom” there shall be substituted “Jersey”; and
- (b) at the end of subsection (2) there shall be added: “References in this subsection to the Civil Aviation Act 1982 are references to that Act as extended to Jersey by the Civil Aviation Act 1982 (Jersey) Order 1990”.

**7.** In section 6 (ancillary offences) –

- (a) for the words “the United Kingdom”, wherever they occur, there shall be substituted “Jersey”;
- (b) in subsection (1) after the words “Act 1982” there shall be inserted “as extended to Jersey by the Civil Aviation Act 1982 (Jersey) Order 1990”;
- (c) in subsection (1) for the words from “culpable homicide” to “Act 1883” there shall be substituted “or assault or an offence under Article 2 of the Loi (1884) sur les Matières Explosives”;
- (d) in subsection (3) the words “on conviction on indictment” shall be omitted; and

- (e) subsection (4) shall be omitted.

**8.** In section 7 (powers exercisable on suspicion of intended offence under Part I) –

- (a) in subsection (1) –
  - (i) for the word “constable”, wherever it occurs, there shall be substituted “police officer”; and
  - (ii) for the words “United Kingdom” there shall be substituted “Jersey”;
- (b) in subsection (2) the words from “(a) on summary conviction” to “on indictment” shall be omitted; and
- (c) subsection (3) shall be omitted.

**9.** In subsection (2) of section 10 (purposes to which Part II applies) –

- (a) for the words “the United Kingdom” and “Great Britain”, wherever they occur, there shall be substituted “Jersey”; and
- (b) for the words from “culpable homicide” to the end of the subsection there shall be substituted –

“or assault or an offence under Article 2 of the Loi (1884) sur les Matières Explosives or any act which involves –

- (i) the destruction or damage without lawful excuse of any property belonging to another where the person doing the act intends to destroy or damage such property or is reckless as to whether such property would be destroyed or damaged; or
- (ii) the destruction or damage without lawful excuse of any property whether belonging to the person doing the act or to some other person where the person doing the act –
  - (aa) intends to destroy or damage any property or is reckless as to whether any property would be destroyed or damaged; and
  - (bb) intends by the destruction or damage to endanger the life of another or is reckless as to whether the life of another would be thereby endangered.”.

**10.** In section 11 (power for Secretary of State to require information) –

- (a) for the words “Secretary of State”, wherever they occur, there shall be substituted “Committee”;
- (b) for subsection (1) there shall be substituted –



“(1) The Committee may, by notice in writing served on any person who –

- (a) is the operator of one or more aircraft operating in Jersey,
- (b) occupies any land forming part of an aerodrome in Jersey, or
- (c) is permitted to have access to a restricted zone of an aerodrome for the purposes of the activities of a business carried on by him,

require that person to provide the Committee with such information specified in the notice as the Committee may require in connexion with the exercise by the Committee of its functions under this Part of this Act.”;

- (c) in subsection (4) for the word “him” there shall be substituted “the Committee”; and
- (d) in subsection (5) the words from “(i) on summary” to “on indictment” shall be omitted.

**11.** In section 11A (designation of restricted zones) –

- (a) for subsection (1) there shall be substituted the following subsection –

“(1) The Committee may designate the whole or any part of any aerodrome as a restricted zone for the purposes of this Part of this Act.”;

- (b) subsections (2), (3), (4), (5), (6) and (8) shall be omitted;
- (c) in subsection (9), for the words “the United Kingdom” there shall be substituted “Jersey” and the words from “and any reference” to the end shall be omitted; and
- (d) in subsection (10) –
  - (i) in paragraph (a), for the words “(1) to (9)” there shall be substituted “(1), (7) and (9)”; and
  - (ii) in paragraph (b), for the words “Secretary of State” there shall be substituted “Committee”.

**12.** In section 12 (power to impose restrictions in relation to aircraft) –

- (a) for the words “Secretary of State”, wherever they occur, there shall be substituted “Committee”;
- (b) in subsection (1) –
  - (i) the words “registered or” shall be omitted;

- (ii) for the words “the United Kingdom”, where they first occur, there shall be substituted “Jersey”;
- (iii) for the words “manager of any aerodrome in the United Kingdom” there shall be substituted “Airport Director”; and
- (iv) in paragraphs (a) and (b) for the word “constables”, in both places where it occurs, there shall be substituted “police officers”;
- (c) subsections (2), (3) and (4) shall be omitted;
- (d) in subsection (5) –
  - (i) in paragraph (a) the words “registered or” shall be omitted and for the words “the United Kingdom” there shall be substituted “Jersey”; and
  - (ii) the words from “and a direction” to the end of the subsection shall be omitted;
- (e) in subsection (6) for the words “manager of an aerodrome” there shall be substituted “Airport Director”;
- (f) in subsection (8) –
  - (i) for paragraphs (a) and (b) there shall be substituted “such an operator as is mentioned in subsection (1) above”; and
  - (ii) the words “or manager” shall be omitted;
- (g) in subsection (9) the words from “(a) on summary conviction” to “on indictment” shall be omitted; and
- (h) in subsection (10) for the words “on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale” there shall be substituted “to a fine”.

**13.** In section 13 (power to require aerodrome managers to promote searches at aerodromes) –

- (a) in subsection (1) –
  - (i) for the words “Secretary of State” there shall be substituted “Committee”;
  - (ii) for the words “manager of any aerodrome in the United Kingdom” there shall be substituted “Airport Director”; and
  - (iii) for the word “constables” there shall be substituted “police officers”;
- (b) in subsection (3) –
  - (i) the words “to the manager of an aerodrome” shall be omitted; and

- (ii) for the word “constable” there shall be substituted “police officer”;
- (c) in subsection (4) the words from “(i) on summary conviction” to “on indictment” shall be omitted;
- (d) in subsection (4A) for the words “on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale” there shall be substituted “to a fine”; and
- (e) subsection (5) shall be omitted.

**14.** In section 13A (power to require other persons to promote searches) –

- (a) in subsection (1) –
  - (i) for the words “Secretary of State” there shall be substituted “Committee”;
  - (ii) for the words “manager of an aerodrome” there shall be substituted “Airport Director”;
  - (iii) for the words “the United Kingdom” there shall be substituted “Jersey”; and
  - (iv) for the word “constables” there shall be substituted “police officers”;
- (b) in subsection (3), the words from “(a) on summary conviction” to “on indictment” shall be omitted; and
- (c) in subsection (4), for the words “on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale” there shall be substituted “to a fine”.

**15.** In section 14 (general power to direct measures to be taken for the purposes to which Part II applies) –

- (a) for the words “Secretary of State”, wherever they occur, there shall be substituted “Committee”;
- (b) in subsection (1) –
  - (i) the words “registered or” shall be omitted;
  - (ii) for the words “the United Kingdom”, wherever they occur, there shall be substituted “Jersey”; and
  - (iii) for paragraph (b) there shall be substituted –
    - “(b) is the Airport Director”;
- (c) in subsection (1A) –

- (i) in paragraph (a), for the words “registered or operating in the United Kingdom” there shall be substituted “operating in Jersey”; and
- (ii) in paragraph (b), for the words “a person as the manager of an aerodrome” there shall be substituted “the Airport Director”, and for the words “that aerodrome” there shall be substituted “any aerodrome”;
- (d) in subsection (2) for the words “a person as the manager of an aerodrome” there shall be substituted “the Airport Director”;
- (e) in subsection (7) the words from “(i) on summary conviction” to “on indictment” shall be omitted; and
- (f) in subsection (7A) for the words “on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale” there shall be substituted “to a fine”.

**16.** In section 15 (matters which may be included in directions under sections 12 to 14) –

- (a) subsection (2) shall be omitted;
- (b) in subsection (5) –
  - (i) for the word “constables”, in both places where it occurs, there shall be substituted “police officers”;
  - (ii) for the words from “chief officer of police” to “measures taken” there shall be substituted “Chief Officer of the States of Jersey Police Force”; and
  - (iii) for the words “Secretary of State” there shall be substituted “Committee”;
- (c) in subsection (6) for the word “to” there shall be substituted “,(4) and”;
- and
- (d) subsection (8) shall be omitted.

**17.** In section 16 (limitations on scope of directions under sections 12 to 14) –

- (a) in subsection (3) for the words “the United Kingdom” there shall be substituted “Jersey”;
- (b) in subsection (4) for the word “constable” there shall be substituted “police officer”;
- (c) for subsection (5) there shall be substituted –

“(5) A direction which requires anything to be done or not done at a place outside Jersey shall not have effect, ”; and

- (d) in subsection (6) for the words “manager of an aerodrome”, there shall be substituted “Airport Director”.

**18.** In subsection (2) of section 17 (general or urgent directions under sections 12 and 14) –

- (a) for the words “Secretary of State” there shall be substituted “Committee”; and
- (b) for the word “he”, in both places where it occurs, there shall be substituted “the Committee”.

**19.** In section 18 (objections to certain directions under section 14) for the words “Secretary of State”, wherever they occur, there shall be substituted “Committee”.

**20.** In section 18A (enforcement notices) –

- (a) for the words “Secretary of State” there shall be substituted “Committee”; and
- (b) subsection (3) shall be omitted.

**21.** In section 18B (contents of enforcement notice) –

- (a) for the words “Secretary of State” there shall be substituted “Committee”;
- (b) in subsection (3) the words “or (2)” shall be omitted; and
- (c) subsection (4) shall be omitted.

**22.** In section 18C (offences relating to enforcement notices) –

- (a) in subsection (1) the words from “(a) on summary conviction” to “on indictment” shall be omitted;
- (b) in subsection (2) for the words “on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale” there shall be substituted “to a fine”; and
- (c) in subsection (3) the words from “(a) on summary conviction” to “on indictment” shall be omitted.

**23.** In section 18D (objections to enforcement notices) for the words “Secretary of State”, wherever they occur, there shall be substituted “Committee”.

**24.** In section 19 (operation of directions under Part II in relation to rights and duties under other laws) –

- (a) in subsection (2) for the words “the United Kingdom” and “United Kingdom”, wherever they occur, there shall be substituted “Jersey”;

(b) subsections (3) and (4) shall be omitted; and

(c) for subsection (5) there shall be substituted –

“(5) In this section “Jersey contract” means a contract which is either expressed to have effect in accordance with the law of Jersey or (not being so expressed) is a contract of which the proper law is the law of Jersey.”.

**25.** In section 20 (inspection of aircraft and aerodromes) –

(a) in subsection (1) –

(i) for the words “Secretary of State” there shall be substituted “Committee”;

(ii) for the words “United Kingdom”, wherever they occur, there shall be substituted “Jersey”; and

(iii) in paragraph (a) the words “registered or” shall be omitted;

(b) in subsection (2) for the words “manager of the aerodrome” there shall be substituted “Airport Director”; and

(c) in subsection (5) the words from “(i) on summary conviction” to “on indictment” shall be omitted.

**26.** In section 21 (application of provisions of Part II to air navigation installations) –

(a) for the words “the United Kingdom”, wherever they occur, there shall be substituted “Jersey”;

(b) in subsection (2) the words from “and any reference to the manager” to the end of the subsection shall be omitted;

(c) subsection (4) shall be omitted;

(d) in paragraph (a) of subsection (5) the words from “and, where the direction was given” to the end of the paragraph shall be omitted; and

(e) in subsection (6) –

(i) for the words “authority responsible for one or more air navigation installations” there shall be substituted “Airport Director”; and

(ii) in paragraph (a) for the words “the United Kingdom for which it is responsible” there shall be substituted “Jersey for which the Committee is responsible”.

**27.** In section 21A (false statements relating to baggage, cargo, etc.) –

- (a) for the words “the United Kingdom”, wherever they occur, there shall be substituted “Jersey”;
- (b) in subsection (1), the words “registered or” shall be omitted and for the word “constable” there shall be substituted “police officer”;
- (c) in subsection (2) –
  - (i) for paragraph (a) there shall be substituted –
    - “(a) the Airport Director,”; and
  - (ii) the words “registered or” shall be omitted; and
- (d) in subsection (4) for the words from “on summary conviction” to the end there shall be substituted “to a fine”.

**28.** In section 21B (false statements in connexion with identity documents) –

- (a) in subsection (1) for the word “constable”, in both places where it occurs, there shall be substituted “police officer”;
- (b) in subsection (2) for the words “Secretary of State” there shall be substituted “Committee”;
- (c) in subsection (3) –
  - (i) for paragraph (a) there shall be substituted –
    - “(a) the Airport Director,”;
  - (ii) paragraph (b) shall be omitted; and
  - (iii) in paragraph (c) for the words “registered or operating in the United Kingdom” there shall be substituted “operating in Jersey”; and
- (d) in subsection (5) for the words from “on summary conviction” to the end there shall be substituted “to a fine”.

**29.** In section 21C (unauthorised presence in restricted zone) –

- (a) in subsection (1)(a) and (b), for the words from “manager of the aerodrome” to “or authority” there shall be substituted “Airport Director or a person acting on his behalf”; and
- (b) in subsection (3) for the words from “on summary conviction” to the end there shall be substituted “to a fine”.

**30.** In section 21D (unauthorised presence on board aircraft) –

- (a) in subsection (1) for the words “the United Kingdom” there shall be substituted “Jersey”; and

- (b) in subsection (2) for the words from “on summary conviction” to the end there shall be substituted “to a fine”.

**31.** In section 21E (offences relating to authorised persons) –

- (a) in subsection (2) the words from “(a) on summary conviction” to “on indictment” shall be omitted; and
- (b) in subsection (3) for the words from “on summary conviction” to the end there shall be substituted “to a fine”.

**32.** In section 21F (air cargo agents) –

- (a) for the words “the Secretary of State”, “him” and “he”, wherever they occur, there shall be substituted “the Committee”;
- (b) in subsection (1) –
  - (i) for the words “regulations made by statutory instrument” there shall be substituted “Order”, and
  - (ii) for the words “the United Kingdom” there shall be substituted “Jersey”;
- (c) in subsection (2), for the word “Regulations” where it first occurs there shall be substituted “An Order”;
- (d) in subsections (2)(a), (b), (d) and (f) and (3), for the word “regulations”, wherever it occurs, there shall be substituted “Order”; and
- (e) subsection (4) shall be omitted.

**33.** In section 21G (duty to report certain occurrences) –

- (a) for the words “the Secretary of State” and “him”, wherever they occur, there shall be substituted “the Committee”;
- (b) in subsection (1) for the words “regulations made by statutory instrument” and “regulations” there shall be substituted “Order”;
- (c) in subsections (2) and (3)(a) and (b) for the word “regulations”, wherever it occurs, there shall be substituted “Order”;
- (d) in subsection (3) –
  - (i) for the word “Regulations”, where it first occurs, there shall be substituted “An Order”;
  - (ii) in paragraph (a) the words from “(i) on summary conviction” to “on indictment” shall be omitted; and
  - (iii) in paragraph (b) for the words from “on summary conviction” to the end there shall be substituted “to a fine”;



(e) for subsection (4) there shall be substituted –

“(4) An Order under this section shall not require the reporting of occurrences taking place outside Jersey.”; and

(f) subsection (5) shall be omitted.

**34.** In subsection (4) of section 22 (compensation in respect of certain measures taken under Part II) for the words from “the person” to the end of the subsection there shall be substituted “the Committee”.

**35.** In section 24 (service of documents) for the words “the United Kingdom”, wherever they occur, there shall be substituted “Jersey” and for the words “Secretary of State” in subsection (5) there shall be substituted “Committee”.

**36.** In subsection (1) of section 24A (interpretation of Part II) for the words “Secretary of State” there shall be substituted “Committee”.

**37.** In section 37 (offences by bodies corporate) for the word “regulations”, in both places where it occurs, there shall be substituted “Order”.

**38.** In section 38 (interpretation, etc.) –

(a) for the definition of “aerodrome” in subsection (1) there shall be substituted –

“ ‘aerodrome’ means the aggregate of the land, buildings and works comprised in the Jersey Airport and (if and so far as not so comprised) any land, buildings or works situated within the boundaries of an area designated, by an order made by the Committee which is for the time being in force, as constituting the area of an aerodrome for the purposes of this Act;”;

(b) for the definition of “aircraft registered or operating in the United Kingdom” in subsection (1) there shall be substituted –

“ ‘aircraft operating in Jersey’ means any aircraft which is for the time being allocated for use on flights which (otherwise than in exceptional circumstances) include landing or taking off from one or more aerodromes in Jersey;

‘Airport Director’ means the person for the time being appointed as such by the Committee under the Aerodromes Administration (Jersey) Law 1952, as amended;”;

(c) after the definition of “article” in subsection (1) there shall be inserted –

“ ‘the Committee’ means the Harbours and Airport Committee of the States of Jersey”;

(d) the definition of “constable” in subsection (1) shall be omitted;

(e) after the definition of “firearm” in subsection (1) there shall be inserted –

“ ‘Jersey’ means the Bailiwick of Jersey;

‘the Jersey Airport’ means the premises for the time being belonging to the States of Jersey situate at St. Peter and used from time to time for the landing and departure of aircraft or for purposes ancillary thereto;”;

- (f) the definition of “manager” in subsection (1) shall be omitted;
- (g) in the definition of “operator” in subsection (1) after the words “Act 1982” there shall be inserted “(as extended to Jersey by the Civil Aviation Act 1982 (Jersey) Order 1990)”;
- (h) after the definition of “operator” in subsection (1) there shall be inserted –

“ ‘police officer’ means a member of the Honorary Police or a member of the States of Jersey Police Force and includes any person having the powers of a police officer;”;

- (i) the definition of “the statutory maximum” in subsection (1) shall be omitted;
- (j) subsection (2) shall be omitted;
- (k) in subsection (3) the words from “and anything done” to the end of the subsection shall be omitted;
- (l) for subsection (4) there shall be substituted –

“(4) For the purposes of this Act ‘Jersey’ includes the territorial waters adjacent thereto.”;

- (m) subsections (5) and (8) shall be omitted.

**39.** Subsection (2) of section 41 (short title and commencement) shall be omitted.

**40.** For Schedule 1 (provisions relating to compensation) there shall be substituted –

#### *“SCHEDULE 1*

##### **PROVISIONS RELATING TO COMPENSATION**

**1.** This Schedule applies to compensation under section 22 of this Act (in this Schedule referred to as “the relevant section”).

**2.** No compensation to which this Schedule applies shall be payable unless the person to whom it is payable in accordance with the relevant section serves on the Airport Director notice in writing claiming compensation under that section, and that notice is served before the end of the period of two years from the completion of the measures.

**3.** In relation to any measures taken by the Airport Director on land outside an aerodrome or an air navigation installation, as the case may be, any reference in the relevant section to a direction, or to compliance with a direction, shall be construed as if subsection (6) of section 16 of this Act were omitted.

**4.** In calculating value for any of the purposes of the relevant section –

- (a) rules (b), (c) and (d) of the rules set out in Article 9(1) of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961 shall apply with the necessary modifications, and
- (b) if the interest to be valued is subject to a mortgage, it shall be treated as if it were not subject to a mortgage.

**5.** The Committee may by order make provision –

- (a) requiring compensation to which this Schedule applies, in such cases as may be specified in the order, to be paid to a person other than the person entitled to it in accordance with the relevant section;
- (b) as to the application of any compensation to which this Schedule applies, or any part of it, in cases where the right to claim compensation is exercisable by reference to an interest in land which is subject to a mortgage; or
- (c) as to any assumptions to be made, or matters to be taken into or left out of account, for the purpose of assessing any compensation to which this Schedule applies.

**6.-(1)** Any dispute arising under the relevant section or under this Schedule, whether as to the right to any compensation or as to the amount of any compensation, or otherwise, shall be referred to and determined by two arbitrators, one of whom shall be appointed by the Committee and the other by the person claiming the compensation save that, if an arbitrator is not appointed by the person claiming compensation, then he shall be nominated by the Committee and any arbitrator so nominated shall be deemed to be the arbitrator appointed by the person claiming the compensation.

(2) Arbitrators appointed under sub-paragraph (1) above shall, before commencing to determine any matter referred to them under this paragraph, nominate an umpire who shall determine the matter if the arbitrators disagree.

(3) The arbitrators or umpire, as the case may be, may refer to the Royal Court, sitting as the Inferior Number, any question of law or of law mixed with fact arising in connexion with any matter referred to them or him in such manner and within such time as may be prescribed by rules of court.

(4) Subject to paragraph (3) above, the decision of the arbitrators or of the umpire, as the case may be, shall be final.

**7.** In this Schedule, ‘mortgage’ includes any hypothec.”

**41.** In Schedule 2 (consequential amendments and savings) –

- (a) paragraphs 3, 5, 6 and 8 shall be omitted;
- (b) in paragraph 4 after the words “Act 1973” there shall be inserted “(as extended to Jersey by the Protection of Aircraft Act 1973 (Jersey) Order 1973”); and
- (c) in paragraph 7 –
  - (i) after the words “Act 1978” there shall be inserted “as extended to Jersey by the Suppression of Terrorism Act 1978 (Jersey) Order 1978”; and
  - (ii) after the words “Act 1982” there shall be inserted “as extended to Jersey by the Aviation Security (Jersey) Order 1993”.

**42.** In Schedule 3 (repeals) –

- (a) all of the entries, except those relating to the Tokyo Convention Act 1967, the Hijacking Act 1971, the Protection of Aircraft Act 1973 and the Civil Aviation Act 1982, shall be omitted;
- (b) references in Schedule 3 to the Acts referred to in sub-paragraph (a) above shall be construed as references to them as extended to the Bailiwick of Jersey by the Tokyo Convention Act 1967 (Jersey) Order 1969, the Hijacking Act 1971 (Jersey) Order 1971, the Protection of Aircraft Act 1973 (Jersey) Order 1973 and the Civil Aviation Act 1982 (Jersey) Order 1990 respectively; and
- (c) the repeal by Schedule 3 of any provision which was not extended to the Bailiwick of Jersey by those Orders shall be disregarded.

**SCHEDULE 2****(Article 2(2))****EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO SECTIONS 1 AND 50 OF THE  
AVIATION AND MARITIME SECURITY ACT 1990 IN THEIR EXTENSION TO THE  
BAILIWICK OF JERSEY**

**1.** Any reference to an enactment shall, unless the contrary intention appears, be construed as a reference to that enactment as it has effect in the Bailiwick of Jersey.

**2.** In section 1 –

- (a) for the words “the United Kingdom”, wherever they occur, there shall be substituted “the Bailiwick of Jersey”;
- (b) in subsection (5) the words “on conviction on indictment” shall be omitted;
- (c) in subsection (7) for paragraphs (a) and (b) there shall be substituted “except by, or with the consent of, the Attorney General for Jersey”;
- (d) subsection (8) shall be omitted; and
- (e) in subsection (9) –
  - (i) in the definition of “act of violence”, for the words from “culpable homicide” to the end of paragraph (a) there shall be substituted “or assault or an offence under Article 2 of the Loi (1884) sur les Matières Explosives”; and
  - (ii) in the definition of “unlawfully” for the words “part of the United Kingdom in which the act is committed” in paragraph (a) there shall be substituted “Bailiwick of Jersey” and for the words from “England and Wales”, in the first place where they occur, to the end of paragraph (b) there shall be substituted “Jersey if it had been committed in the Bailiwick of Jersey”.

**3.** In section 50, for the words from “this Act (including” to “section 42” there shall be substituted “section 1”.

*Jersey Order in Council 14/1993*

*The Aviation Security (Jersey) Order 199*

**SCHEDULE 3**

**(Article 2(3))**

**ORDERS REVOKED**

The Tokyo Convention Act 1967 (Jersey) Order 1969.

The Hijacking Act 1971 (Jersey) Order 1971.

The Protection of Aircraft Act 1973 (Jersey) Order 1973.

**AVIATION SECURITY ACT 1982****CHAPTER 36***ARRANGEMENT OF SECTIONS**PART I***OFFENCES AGAINST THE SAFETY OF AIRCRAFT, ETC.****Section**

1. Hijacking
2. Destroying, damaging or endangering safety of aircraft
3. Other acts endangering or likely to endanger safety of aircraft
4. Offences in relation to certain dangerous articles
5. Jurisdiction of courts in respect of air piracy
6. Ancillary offences
7. Powers exercisable on suspicion of intended offence under Part I
8. \* \* \* \* \*
9. \* \* \* \* \*

*PART II***PROTECTION OF AIRCRAFT, AERODROMES AND AIR  
NAVIGATION INSTALLATIONS AGAINST ACTS OF  
VIOLENCE****GENERAL PURPOSES**

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- <18A. Enforcement notices
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#### AIR NAVIGATION INSTALLATIONS

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- <21A. False statements relating to baggage, cargo, etc.
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- Schedule 1 – Provisions relating to compensation
- Schedule 2 – Consequential amendments and savings
- Schedule 3 – Repeals.



**ELIZABETH II****1982 CHAPTER 36**

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

[23rd July 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>4</sup> –

*PART I*

## OFFENCES AGAINST THE SAFETY OF AIRCRAFT, ETC.

**Hijacking**

**1.**-(1) A person on board an aircraft in flight who unlawfully, by the use of force or by threats of any kind, seizes the aircraft or exercises control of it commits the offence of hijacking, whatever his nationality, whatever the State in which the aircraft is registered and whether the aircraft is in [Jersey] or elsewhere, but subject to subsection (2) below.

(2) If –

- (a) the aircraft is used in military, customs or police service, or
- (b) both the place of take-off and the place of landing are in the territory of the State in which the aircraft is registered,

subsection (1) above shall not apply unless –

- (i) the person seizing or exercising control of the aircraft is a United Kingdom national; or
- (ii) his act is committed in [Jersey]; or
- (iii) the aircraft is registered in the United Kingdom or is used in the military or customs service of the United Kingdom [or Jersey] or in the service of any police force in the United Kingdom [or Jersey].

(3) A person who commits the offence of hijacking shall be liable \* \* \* to imprisonment for life.

<sup>4</sup> Deletions, insertions and words in angle brackets indicate amendments of the Aviation Security Act 1982 ("the 1982 Act") made by the Aviation and Maritime Security Act 1990 ("the 1990 Act") and those in square brackets indicate adaptations and modifications of the 1982 Act (as amended by the 1990 Act) made by the Aviation Security (Jersey) Order 1993.

- (4) If the Secretary of State by order made by statutory instrument declares –
- (a) that any two or more States named in the order have established an organisation or agency which operates aircraft; and
  - (b) that one of those States has been designated as exercising, for aircraft so operated, the powers of the State of registration,

the State declared under paragraph (b) of this subsection shall be deemed for the purposes of this section to be the State in which any aircraft so operated is registered; but in relation to such an aircraft subsection (2)(b) above shall have effect as if it referred to the territory of any one of the States named in the order. [An order made under this subsection as it applies in the United Kingdom shall have effect in Jersey as it has effect in the United Kingdom].

(5) For the purposes of this section the territorial waters of any State shall be treated as part of its territory.

### **Destroying, damaging or endangering safety of aircraft**

**2.-(1)** It shall, subject to subsection (4) below, be an offence for any person unlawfully and intentionally –

- (a) to destroy an aircraft in service or so to damage such an aircraft as to render it incapable of flight or as to be likely to endanger its safety in flight; or
- (b) to commit on board an aircraft in flight any act of violence which is likely to endanger the safety of the aircraft.

(2) It shall also, subject to subsection (4) below, be an offence for any person unlawfully and intentionally to place, or cause to be placed, on an aircraft in service any device or substance which is likely to destroy the aircraft, or is likely so to damage it as to render it incapable of flight or as to be likely to endanger its safety in flight; but nothing in this subsection shall be construed as limiting the circumstances in which the commission of any act –

- (a) may constitute an offence under subsection (1) above, or
- (b) may constitute attempting or conspiring to commit, or aiding, abetting, counselling or procuring, or being art and part in, the commission of such an offence.

(3) Except as provided by subsection (4) below, subsections (1) and (2) above shall apply whether any such act as is therein mentioned is committed in [Jersey] or elsewhere, whatever the nationality of the persons committing the act and whatever the State in which the aircraft is registered.

(4) Subsections (1) and (2) above shall not apply to any act committed in relation to an aircraft used in military, customs or police service unless –

- (a) the act is committed in [Jersey], or

- (b) where the act is committed outside [Jersey], the person committing it is a United Kingdom national.

(5) A person who commits an offence under this section shall be liable \* \* \* to imprisonment for life.

[(6) In this section “unlawfully” –

- (a) in relation to the commission of an act in Jersey means so as (apart from this Act) to constitute an offence under the law of Jersey, and
- (b) in relation to the commission of an act outside Jersey, means so that the commission of the act would (apart from this Act) have been an offence under the law of Jersey if it had been committed in Jersey.

(7) In this section “act of violence” means –

- (a) an act done in Jersey which constitutes the offence of murder, attempted murder, manslaughter or assault or an offence under Article 2 of the Loi (1884) sur les Matières Explosives;<sup>5</sup> and
- (b) any act done outside Jersey which, if done in Jersey, would constitute such an offence as is mentioned in paragraph (a) above].

#### **Other acts endangering or likely to endanger safety of aircraft**

**3.-(1)** It shall, subject to subsections (5) and (6) below, be an offence for any person unlawfully and intentionally to destroy or damage any property to which this subsection applies, or to interfere with the operation of any such property, where the destruction, damage or interference is likely to endanger the safety of aircraft in flight.

(2) Subsection (1) above applies to any property used for the provision of air navigation facilities, including any land, building or ship so used, and including any apparatus or equipment so used, whether it is on board an aircraft or elsewhere.

(3) It shall also, subject to subsections (4) and (5) below, be an offence for any person intentionally to communicate any information which is false, misleading or deceptive in a material particular, where the communication of the information endangers the safety of an aircraft in flight or is likely to endanger the safety of aircraft in flight.

(4) It shall be a defence for a person charged with an offence under subsection (3) above to prove –

- (a) that he believed, and had reasonable grounds for believing, that the information was true; or
- (b) that, when he communicated the information, he was lawfully employed to perform duties which consisted of or included the communication of information and that he communicated the information in good faith in the performance of those duties.

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<sup>5</sup> Volume 1979–1981, page 201.

(5) Subsections (1) and (3) above shall not apply to the commission of any act unless either the act is committed in [Jersey], or, where it is committed outside [Jersey] –

- (a) the person committing it is a United Kingdom national or;
- (b) the commission of the act endangers or is likely to endanger the safety in flight of a civil aircraft registered in [Jersey] or chartered by demise to a lessee whose principal place of business or (if he has no place of business) whose permanent residence, is in [Jersey]; or
- (c) the act is committed on board a civil aircraft which is so registered or so chartered; or
- (d) the act is committed on board a civil aircraft which lands in [Jersey] with the person who committed the act still on board.

(6) Subsection (1) above shall not apply to any act committed outside the United Kingdom and so committed in relation to property which is situated outside the United Kingdom and is not used for the provision of air navigation facilities in connexion with international air navigation, unless the person committing the act is a United Kingdom national.

(7) A person who commits an offence under this section shall be liable\* \* \* to imprisonment for life.

(8) In this section “civil aircraft” means any aircraft other than an aircraft used in military, customs or police service and “unlawfully” has the same meaning as in section 2 of this Act.

#### **Offences in relation to certain dangerous articles**

**4.-(1)** It shall be an offence for any person without lawful authority or reasonable excuse (the proof of which shall lie on him) to have with him –

- (a) in any aircraft registered in the United Kingdom, whether at a time when the aircraft is in [Jersey] or not, or
- (b) in any other aircraft at a time when it is in, or in flight over, [Jersey], or
- (c) in any part of an aerodrome in [Jersey], or
- (d) in any air navigation installation in [Jersey] which does not form part of an aerodrome.

any article to which this section applies.

(2) This section applies to the following articles, that is to say –

- (a) any firearm, or any article having the appearance of being a firearm, whether capable of being discharged or not;

- (b) any explosive, any article manufactured or adapted (whether in the form of a bomb, grenade or otherwise) so as to have the appearance of being an explosive, whether it is capable of producing a practical effect by explosion or not, or any article marked or labelled so as to indicate that it is or contains an explosive; and
- (c) any article (not falling within either of the preceding paragraphs) made or adapted for use for causing injury to or incapacitating a person or for destroying or damaging property, or intended by the person having it with him for such use, whether by him or by any other person.

(3) For the purposes of this section a person who is for the time being in an aircraft, or in part of an aerodrome, shall be treated as having with him in the aircraft, or in that part of the aerodrome, as the case may be, an article to which this section applies if –

- (a) where he is in an aircraft, the article, or an article in which it is contained, is in the aircraft and has been caused (whether by him or by any other person) to be brought there as being, or as forming part of, his baggage on a flight in the aircraft or has been caused by him to be brought there as being, or as forming part of, any other property to be carried on such a flight, or
- (b) where he is in part of an aerodrome (otherwise than in an aircraft), the article, or an article in which it is contained, is in that or any other part of the aerodrome and has been caused (whether by him or by any other person) to be brought into the aerodrome as being, or as forming part of, his baggage on a flight from that aerodrome or has been caused by him to be brought there as being, or as forming part of, any other property to be carried on such a flight on which he is also to be carried,

notwithstanding that the circumstances may be such that (apart from this subsection) he would not be regarded as having the article with him in the aircraft or in a part of the aerodrome, as the case may be.

[(4) A person guilty of an offence under this section shall be liable on conviction to a fine or to imprisonment for a term not exceeding five years or to both.].

(5) Nothing in subsection (3) above shall be construed as limiting the circumstances in which a person would, apart from that subsection, be regarded as having an article with him as mentioned in subsection (1) above.

### **Jurisdiction of courts in respect of air piracy**

**5.-(1)** Any court in [Jersey] having jurisdiction in respect of piracy committed on the high seas shall have jurisdiction in respect of piracy committed by or against an aircraft, wherever that piracy is committed.

(2) In subsection (1) above, “aircraft” has the same meaning as in section 92 of the Civil Aviation Act 1982 (application of criminal law to aircraft); and, for the purposes of this definition, section 101 of that Act (Crown aircraft) shall apply to this section as it applies to the said section 92. [References in this subsection to the Civil

Aviation Act 1982 are references to that Act as extended to Jersey by the Civil Aviation Act 1982 (Jersey) Order 1990.<sup>6</sup>].

### **Ancillary offences**

**6.-(1)** Without prejudice to section 92 of the Civil Aviation Act 1982 [as extended to Jersey by the Civil Aviation Act 1982 (Jersey) Order 1990<sup>7</sup>] (application of criminal law to aircraft) or to section 2(1)(b) of this Act, where a person (of whatever nationality) does on board an aircraft (wherever registered) and while outside [Jersey] any act which, if done in [Jersey] would constitute the offence of murder, attempted murder, manslaughter, [or assault or an offence under Article 2 of the Loi (1884) sur les Matières Explosives<sup>8</sup>] his act shall constitute that offence if it is done in connexion with the offence of hijacking committed or attempted by him on board that aircraft.

(2) It shall be an offence for any person in [Jersey] to induce or assist the commission outside [Jersey] of any act which –

- (a) would, but for subsection (2) of section 1 of this Act, be an offence under that section; or
- (b) would, but for subsection (4) of section 2 of this Act, be an offence under that section; or
- (c) would, but for subsection (5) or (6) of section 3 of this Act, be an offence under that section.

(3) A person who commits an offence under subsection (2) above shall be liable \* \* \* to imprisonment for life.

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

### **Powers exercisable on suspicion of intended offence under Part I**

**7.-(1)** Where a [police officer] has reasonable cause to suspect that a person about to embark on an aircraft in [Jersey], or a person on board such an aircraft, intends to commit, in relation to the aircraft, an offence under any of the preceding provisions of this Part of this Act (other than section 4), the [police officer] may prohibit him from travelling on board the aircraft, and for the purpose of enforcing that prohibition the [police officer] –

- (a) may prevent him from embarking on the aircraft or, as the case may be, may remove him from the aircraft; and
- (b) may arrest him without warrant and detain him for so long as may be necessary for that purpose.

(2) Any person who <intentionally obstructs> a person acting in the exercise of a power conferred on him by subsection (1) above shall be guilty of an offence and liable \* \* \* to a fine or to imprisonment for a term not exceeding two years or to both.

<sup>6</sup> Volume 1990–1991, page 145.

<sup>7</sup> Volume 1990–1991, page 145

<sup>8</sup> Volume 1979–1981, page 201.

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

<8. \* \* \* \* \*

9. \* \* \* \* \* >

## *PART II*

### PROTECTION OF AIRCRAFT, AERODROMES AND AIR NAVIGATION INSTALLATIONS AGAINST ACTS OF VIOLENCE

#### GENERAL PURPOSES

#### **Purposes to which Part II applies**

**10.-(1)** The purposes to which this Part of this Act applies are the protection against acts of violence –

- (a) of aircraft, and of persons or property on board aircraft;
- (b) of aerodromes, and of such persons or property as (in the case of persons) are at any time present in any part of an aerodrome or (in the case of property) forms part of an aerodrome or is at any time (whether permanently or temporarily) in any part of an aerodrome; and
- (c) of air navigation installations which do not form part of an aerodrome.

(2) In this Part of this Act “act of violence” means any act (whether actual or potential, and whether done or to be done in [Jersey] or elsewhere) which either –

- (a) being an act done in [Jersey], constitutes, or
- (b) if done in [Jersey] would constitute,

the offence of murder, attempted murder, manslaughter [or assault or an offence under Article 2 of the Loi (1884) sur les Matières Explosives<sup>9</sup> or any act which involves –

- (i) the destruction or damage without lawful excuse of any property belonging to another where the person doing the act intends to destroy or damage such property or is reckless as to whether such property would be destroyed or damaged; or
- (ii) the destruction or damage without lawful excuse of any property whether belonging to the person doing the act or to some other person where the person doing the act –
  - (aa) intends to destroy or damage any property or is reckless as to whether any property would be destroyed or damaged; and

<sup>9</sup> Volume 1979–1981, page 201.

- (bb) intends by the destruction or damage to endanger the life of another or is reckless as to whether the life of another would be thereby endangered.].

#### POWERS OF [COMMITTEE]

##### **Power for [Committee] to require information**

[11.-(1) The Committee may, by notice in writing served on any person who

—

- (a) is the operator of one or more aircraft operating in Jersey,
- (b) occupies any land forming part of an aerodrome in Jersey, or
- (c) is permitted to have access to a restricted zone of an aerodrome for the purposes of the activities of a business carried on by him,

require that person to provide the Committee with such information specified in the notice as the Committee may require in connexion with the exercise by the Committee of its functions under this Part of this Act.].

(2) A notice under subsection (1) above shall specify a date (not being earlier than <seven days> from the date on which the notice is served) before which the information required by the notice in accordance with subsection (1) above is to be furnished to the [Committee].

(3) Any such notice <may> also require the person on whom it is served, after he has furnished to the [Committee] the information required by the notice in accordance with subsection (1) above, to inform the [Committee] if at any time <the information previously furnished to the [Committee] (including any information furnished in pursuance of a requirement imposed by virtue of this subsection) is rendered inaccurate by any change of circumstances (including the taking of any further measures for purposes to which this Part of this Act applies or the alteration or discontinuance of any measures already being taken).>

(4) Insofar as such a notice requires further information to be furnished to the [Committee] in accordance with subsection (3) above, it shall require that information to be furnished to [the Committee] before the end of such period (not being less than seven days from the date on which <the change of circumstances occurs>) as is specified in the notice for the purposes of this subsection.

(5) Any person who —

- (a) < \* \* \* > without reasonable excuse, fails to comply with a requirement imposed on him by a notice under this section, or
- (b) in furnishing any information so required, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and liable \* \* \* to a fine or to imprisonment for a term not exceeding two years or to both.



(6) A notice served on a person under subsection (1) above may at any time

<(a) be revoked by a notice in writing served on him by the [Committee], or

(b) be varied by a further notice under subsection (1) above>

#### **<Designation of restricted zones**

**11A.**—[(1) The Committee may designate the whole or any part of any aerodrome as a restricted zone for the purposes of this Part of this Act].

(2) \* \* \* \* \*

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

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

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

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

(7) The whole or any part of an aerodrome may be designated as a restricted zone, or part of a restricted zone, for specified days or times of day only.

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

(9) In relation to an air navigation installation in [Jersey] which does not form part of an aerodrome, this section has effect as if any reference to an aerodrome were a reference to such an air navigation installation \* \* \*.

(10) Where the whole or any part of an aerodrome has been designated under this section as a restricted zone –

(a) subsections [(1), (7) and (9)] above also have effect in relation to any variation of the designation, and

(b) the designation may at any time be revoked by the [Committee].>

#### **Power to impose restrictions in relation to aircraft**

**12.**—(1) For purposes to which this Part of this Act applies, the [Committee] may give a direction in writing to the operator of any one or more aircraft \* \* \* operating in [Jersey] or to the [Airport Director] requiring him –

(a) not to cause or permit persons or property to go or to be taken on board any aircraft to which the direction relates, or to come or be brought into proximity to any such aircraft, unless searches of those persons as are specified in the direction have been carried out by [police officers] or by other persons of a description specified in the direction, or

- (b) not to cause or permit any such aircraft to fly unless such searches of the aircraft as are specified in the direction have been carried out by [police officers] or by other persons of a description so specified.

(2) \* \* \* \* \*

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

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

(5) Subject to the following provisions of this Part of this Act, a direction given to an operator of aircraft under subsection (1) above may be given so as to relate

—

- (a) either to all the aircraft \* \* \* operating in [Jersey] of which at the time when the direction is given or at any subsequent time he is the operator or only to one or more such aircraft, or to a class of such aircraft, specified in the direction;
- (b) either to all persons or only to one or more persons, or persons of one or more descriptions, specified in the direction; and
- (c) either to property of every description or only to particular property, or property of one or more descriptions, specified in the direction; \* \* \*

(6) Subject to the following provisions of this Part of this Act, a direction given to the [Airport Director] under subsection (1) above may be given so as to relate

—

- (a) either to all aircraft which at the time when the direction is given or at any subsequent time are in any part of the aerodrome, or to a class of such aircraft specified in the direction;
- (b) either to all persons or only to one or more persons, or persons of one or more descriptions, specified in the direction; and
- (c) either to property of every description or only to particular property, or property of one or more descriptions, specified in the direction.

(7) Subject to the following provisions of this Part of this Act, any direction given under this section to any person not to cause or permit anything to be done shall be construed as requiring him to take all such steps as in any particular circumstances are practicable and necessary to prevent that thing from being done.

(8) A direction may be given under this section to a person appearing to the [Committee] to be about to become [such an operator as is mentioned in subsection (1) above] but a direction given to a person by virtue of this subsection shall not take effect until he becomes such an operator \* \* \*, and, in relation to a direction so given, the preceding provisions of this section shall apply with the necessary modifications.

(9) Any person who <,without reasonable excuse,> fails to comply with a direction given to him under this section shall be guilty of an offence and liable \* \* \* to a fine or imprisonment for a term not exceeding two years or to both.

<(10) Where a person is convicted of an offence under subsection (9) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and liable [to a fine] for each day on which the failure continues.>

**Power to require aerodrome managers to promote searches at aerodromes**

**13.**-(1) For purposes to which this Part of this Act applies, the [Committee] may give a direction in writing to the [Airport Director] requiring him to use his best endeavours to secure that such searches to which this section applies as are specified in the direction are carried out by [police officers] or by other persons of a description specified in the direction.

(2) The searches to which this section applies, in relation to an aerodrome, are searches –

- (a) of the aerodrome or any part of it;
- (b) of any aircraft which at the time when the direction is given or at any subsequent time is in any part of the aerodrome; and
- (c) of persons or property (other than aircraft) which may at any such time be in any part of the aerodrome.

(3) Without prejudice to section 7(1) of this Act, where a direction given under this section \* \* \* is for the time being in force, then if a [police officer] or any other person specified in the direction in accordance with this section, has reasonable cause to suspect that an article to which section 4 of this Act applies is in, or may be brought into, any part of the aerodrome, he may, by virtue of this subsection and without a warrant, search any part of the aerodrome or any aircraft, vehicle, goods or other moveable property of any description which, or any person who, is for the time being in any part of the aerodrome, and for that purpose –

- (a) may enter any building or works in the aerodrome, or enter upon any land in the aerodrome, if need be by force, and
- (b) may stop any such aircraft, vehicle, goods, property or person and detain it or him for so long as may be necessary for that purpose.

(4) Any person who –

- (a) <without reasonable excuse> fails to comply with a direction given to him under this section, or
- (b) <intentionally obstructs> a person acting in the exercise of a power conferred on him by subsection (3) above, shall be guilty of an offence and liable \* \* \* to a fine or to imprisonment for a term not exceeding two years or to both.

<(4A) Where a person is convicted of an offence under subsection (4)(a) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and liable [to a fine] for each day on which the failure continues.>

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

**<Power to require other persons to promote searches**

**13A.**-(1) For purposes to which this Part of this Act applies, the [Committee] may give a direction in writing to any person (other than the [Airport Director]) who –

- (a) occupies any land forming part of an aerodrome in [Jersey], or
- (b) is permitted to have access to a restricted zone of such an aerodrome for the purposes of the activities of a business carried on by him,

requiring him to use his best endeavours to secure that such searches to which this section applies as are specified in the direction are carried out by [police officers] or by other persons of a description specified in the direction.

(2) The searches to which this section applies are –

- (a) in relation to a person falling within subsection (1)(a) above, searches –
  - (i) of the land which he occupies within the aerodrome, and
  - (ii) of persons or property which may at any time be on that land; and
- (b) in relation to a person falling within subsection (1)(b) above, searches –
  - (i) of any land which he occupies outside the aerodrome for the purposes of his business, and
  - (ii) of persons or property which may at any time be on that land.

(3) Any person who, without reasonable excuse, fails to comply with a direction given to him under this section shall be guilty of an offence and liable \* \* \* to a fine or to imprisonment for a term not exceeding two years, or to both.

(4) Where a person is convicted of an offence under subsection (3) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and liable [to a fine] for each day on which the failure continues.

**General power to direct measures to be taken for purposes to which Part II applies**

**14.**-(1) Subsection (1A) below applies to any person who –

- (a) is the operator of one or more aircraft \* \* \* operating in [Jersey],
- (b) is the [Airport Director],
- (c) occupies any land forming part of an aerodrome in the United Kingdom, or

- (d) is permitted to have access to a restricted zone of such an aerodrome for the purposes of the activities of a business carried on by him.

(1A) Subject to the following provisions of this section, the [Committee] may give a direction in writing to any person to whom this subsection applies requiring him to take such measures for purposes to which this Part of this Act applies as are specified in the direction –

- (a) in the case of a direction given to a person as the operator of any aircraft, in respect of all the aircraft [operating in Jersey] of which (at the time when the direction is given or at any subsequent time) he is the operator, or in respect of any such aircraft, or any class of such aircraft, specified in the direction;
- (b) in the case of a direction given to [the Airport Director], in respect of [any aerodrome];
- (c) in the case of a direction given to a person as a person occupying any land forming part of an aerodrome, in respect of any such land as is specified in the direction; and
- (d) in the case of a direction given to a person as a person who is permitted to have access to a restricted zone as mentioned in subsection (1)(d) above, in respect of such activities carried on by that person in that zone as are specified in the direction.

(2) Without prejudice to the generality of subsection (1A) above, the measures to be specified in a direction given under this section to any person to whom that subsection applies may include the provision by that person of persons charged with the duty (at such times as may be specified in the direction) –

- (a) where the direction is given to a person as the operator of aircraft of guarding the aircraft against acts of violence;
- (b) where the direction is given to [the Airport Director], of guarding the aerodrome, or persons or property (including aircraft) in any part of the aerodrome, against acts of violence;
- (c) where the direction is given to a person as falling within subsection (1)(c) above, of guarding against acts of violence any aircraft in the aerodrome which is for the time being under his control; or
- (d) where the direction is given to a person as falling within subsection (1)(d) above, of guarding –
  - (i) any land outside the aerodrome occupied by him for the purposes of his business, any vehicles or equipment used for those purposes and any goods which are in his possession for those purposes, and
  - (ii) any aircraft which is for the time being under his control,

for purposes to which this Part of this Act applies.>

(3) A direction given under this section may be either of a general or of a specific character, and may require any measures specified in the direction to be taken at such time or within such period as may be so specified.

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

(5) A direction under this section –

- (a) shall not require any search (whether of persons or of property), and
- (b) shall not require the modification or alteration of any aircraft, or of any of its apparatus or equipment, to the installation of additional apparatus or equipment, or prohibit any aircraft from being caused or permitted to fly without some modification or alteration of the aircraft or its apparatus or equipment or the installation of additional apparatus or equipment.

(6) A direction may be given under this section to a person appearing to the [Committee] to be about to become <a person to whom subsection (1A) above applies>, but a direction given to a person by virtue of this subsection shall not take effect until he becomes such <a person>, and in relation to a direction so given, the preceding provisions of this section shall apply with the necessary modifications.

(7) Any person –

- (a) who \* \* \*, without reasonable excuse, fails to comply with a direction given to him under this section, or
- (b) <intentionally> interferes with any building constructed or works executed on any land in compliance with a direction under this section or with anything installed on, under, over or across any land in compliance with such a direction,

shall be guilty of an offence and liable \* \* \* to a fine or to imprisonment for a term not exceeding two years or to both.

<(7A) Where a person is convicted of an offence under subsection (7)(a) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and liable [to a fine] for each day on which the failure continues.>

(8) The ownership of any property shall not be affected by reason only that it is placed on or under, or affixed to, any land in compliance with a direction under this section.

#### SUPPLEMENTAL PROVISIONS WITH RESPECT TO DIRECTIONS

##### **Matters which may be included in directions under ss 12 to 14**

**15.**-(1) A direction under subsection (1) of section 12 or under section 13 <or 13A> of this Act may specify the minimum number of persons by whom any search to which the direction relates is to be carried out, the qualifications which persons carrying out any such search are to have, the manner in which any such search is to be

carried out, and any apparatus, equipment or other aids to be used for the purpose of carrying out any such search.

(2) \* \* \* \* \*

<(3) \* \* \* \* \*>

(4) A direction under section 14 of this Act may specify –

- (a) the minimum number of persons to be employed for the purposes of any measures required by the direction to be taken by <the person to whom it is given>, and the qualifications which persons employed for those purposes are to have, and
- (b) any apparatus, equipment or other aids to be used for those purposes.

<(5) Where a direction under any of the preceding provisions of this Part of this Act requires searches to be carried out, or other measures to be taken, by [police officers], the direction may require the person to whom it is given to inform the [Chief Officer of the States of Jersey Police Force] that the [Committee] considers it appropriate that [police officers] should be duly authorised to carry, and should carry, firearms when carrying out the searches or taking the measures in question.>

(6) Nothing in subsections (1) [, (4) and] (5) above shall be construed as limiting the generality of any of the preceding provisions of this Part of this Act.

(7) In this section “qualifications” includes training and experience.

#### **Limitations on scope of directions under ss 12 to 14**

**16.-(1)** Without prejudice to subsection (5) of section 15 of this Act, a direction shall not require or authorise any person to carry a firearm.

(2) A direction shall not have effect in relation to any aircraft used in military, customs or police service.

(3) A direction shall not have effect in relation to any aircraft of which the operator is the Government of a country outside [Jersey], or is a department or agency of such a Government, except at a time when any such aircraft is being used for the carriage of passengers or cargo for reward or is for the time being allocated by that Government, department or agency for such use.

(4) A direction (except insofar as it requires any building or other works to be constructed, executed, altered, demolished or removed) shall not be construed as requiring or authorising <the person to whom the direction was given, or any person acting as his employee or agent>, to do anything which, apart from the direction, would constitute an act of violence; but nothing in this subsection shall restrict the use of such force as is reasonable in the circumstances <(whether at the instance of the person to whom the direction was given or otherwise)> by a [police officer], or its use by any other person in the exercise of a power conferred by section 7(1) or 13(3) of this Act or by any of the following provisions of this Act.

[(5) A direction which requires anything to be done or not done at a place outside Jersey shall not have effect.]

<(6) Insofar as a direction given to the [Airport Director] or to any person mentioned in section 14(1)(c) or (d) of this Act requires a building or other works to be constructed, executed, altered, demolished or removed on land outside the aerodrome, or requires any other measures to be taken on such land, the direction shall not confer on the person to whom it is given any rights as against a person having –

- (a) an interest in that land, or
- (b) a right to occupy that land, or
- (c) a right restrictive of its use;

and accordingly, the direction shall not be construed as requiring the person to whom it is given to do anything which would be actionable at the suit or instance of a person having such interest or right in his capacity as a person having that interest or right.>

(7) Nothing in this section shall be construed as derogating from any exemption or immunity of the Crown in relation to the provisions of this Part of this Act.

(8) In this section “direction” means a direction under section 12, 13 <or 13A> or 14 of this Act.

#### **General or urgent directions under ss 12 and 14**

**17.**-(1) A direction given to any person under section 12 <, 13, 13A or 14> of this Act need not be addressed to that particular person, but may be framed in general terms applicable to all persons to whom such a direction may be given or to any class of such persons to which that particular person belongs.

(2) If it appears to the [Committee] that an exception from any direction given under <any> of those sections is required as a matter of urgency in any particular case [it] may, by a notification given (otherwise than in writing) to the person for the time being subject to the direction, authorise that person to disregard the requirements of the direction –

- (a) in relation to such aircraft or class of aircraft, <in relation to such aerodrome or part of an aerodrome, in relation to such land outside an aerodrome, in relation to such land outside an aerodrome, in relation to such activities>, or in relation to such persons or property or such description of persons or property, and
- (b) on such occasion or series of occasions, or for such period,

as [it] may specify; and the direction shall have effect in that case subject to any exceptions so specified.

(3) Any notification given to any person under subsection (2) above with respect to any direction shall cease to have effect (if it has not already done so) –



- (a) if a direction in writing is subsequently given to that person varying or revoking the original direction; or
  - (b) if no such direction in writing is given within the period of thirty days beginning with the date on which the notification was given, at the end of that period.
- (4) Any notification given under subsection (2) above shall be regarded as given to the person to whom it is directed if it is given –
- (a) to any person authorised by that person to receive any such direction or notification;
  - (b) where the person is a body corporate, to the secretary, clerk or similar officer of the body corporate; and
  - (c) in any other case, to anyone holding a comparable office or position in that person's employment.

#### **Objections to certain directions under s 14**

**18.-(1)** This section applies to any direction given under section 14 of this Act which –

- (a) requires a person to take measures consisting of or including the construction, execution, alteration, demolition or removal of a building or other works; and
- (b) does not contain a statement that the measures are urgently required and that accordingly the direction is to take effect immediately.

(2) At any time before the end of the period of thirty days beginning with the date on which a direction to which this section applies is given, the person to whom the direction is given may serve on the [Committee] a notice in writing objecting to the direction, on the grounds that the measures specified in the direction, insofar as they relate to the construction, execution, alteration, demolition or removal of a building or other works –

- (a) are unnecessary and should be dispensed with, or
- (b) are excessively onerous or inconvenient and should be modified in a manner specified in the notice.

(3) Where the person to whom such a direction is given serves a notice under subsection (2) above objecting to the direction, the [Committee] shall consider the grounds of the objection and, if so required by the objector, shall afford to him an opportunity of appearing before, and being heard by, a person appointed by the [Committee] for the purpose, and shall then serve on the objector a notice in writing either –

- (a) confirming the direction as originally given; or

- (b) confirming it subject to one or more modifications specified in the notice under this subsection; or
- (c) withdrawing the direction;

and the direction shall not take effect until it has been confirmed (with or without modifications) by a notice served under this subsection.

### **[Enforcement notices]**

**18A.**-(1) Where an authorised person is of the opinion that any person has failed to comply with any general requirement of a direction given to him under section 12, 13, 13A or 14 of this Act, the authorised person may serve on that person a notice (in this Part of this Act referred to as an “enforcement notice”) –

- (a) specifying those general requirements of the direction with which he has, in the opinion of the authorised person, failed to comply, and
- (b) specifying, subject to section 18B of this Act, the measures that ought to be taken in order to comply with those requirements.

(2) For the purposes of this section a requirement of a direction given by the [Committee] under section 12, 13, 13A and 14 of this Act is a “general requirement” if the provision imposing the requirement –

- (a) has been included in two or more directions given to different persons (whether or not at the same time), and
  - (b) is framed in general terms applicable to all the persons to whom those directions are given.
- (3) \* \* \* \* \*

### **Contents of enforcement notice**

**18B.**-(1) An enforcement notice may specify in greater detail measures which are described in general terms in those provisions of the direction to which it relates which impose general requirements, but may not impose any requirement which could not have been imposed by a direction given by the [Committee] under the provision under which the direction was given.

(2) An enforcement notice may be framed so as to afford the person on whom it is served a choice between different ways of complying with the specified general requirements of the direction.

(3) Subject to subsection (4) below, an enforcement notice which relates to a direction given under section 12 of this Act must require the person to whom the direction was given not to cause or permit things to be done as mentioned in subsection (1)(a) or (b) \* \* \* of that section, as the case requires, until the specified measures have been taken.

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

(5) An enforcement notice which relates to a direction given under section 13, 13A or 14 of this Act must either –

- (a) require the person to whom the direction was given to take the specified measures within a specified period which –
  - (i) where the measures consist of or include the construction, execution, alteration, demolition or removal of a building or other works, must not be less than thirty days beginning with the date of service of the notice, and
  - (ii) in any other case, must not be less than seven days beginning with that date; or
- (b) require him not to do specified things or cause or permit specified things to be done, until the specified measures have been taken.

(6) Subject to section 18E(2) of this Act, an enforcement notice requiring a person not to cause or permit anything to be done shall be construed as requiring him to take all such steps as in any particular circumstances are practicable and necessary to prevent that thing from being done.

#### **Offences relating to enforcement notices**

**18C.**-(1) Any person who, without reasonable excuse, fails to comply with an enforcement notice served on him shall be guilty of an offence and liable \* \* \* to a fine.

(2) Where a person is convicted of an offence under subsection (1) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after conviction, he shall be guilty of a further offence and liable [to a fine] for each day on which the failure continues.

(3) Any person who intentionally interferes with any building constructed or works executed on any land in compliance with an enforcement notice or with anything installed on, under, over or across any land in compliance with such a notice shall be guilty of an offence and liable \* \* \* to a fine.

#### **Objections to enforcement notices**

**18D.**-(1) The person on whom an enforcement notice is served may serve on the [Committee] a notice in writing of his objection to the enforcement notice, specifying the grounds of the objection.

- (2) Any notice of objection under subsection (1) above must be served –
  - (a) where the enforcement notice specifies measures falling within section 18B(5)(a)(i) of this Act, before the end of the period of thirty days beginning with the date on which the enforcement notice was served, or
  - (b) in any other case, before the end of the period of seven days beginning with that date.

- (3) The grounds of objection to an enforcement notice are –
- (a) that the general requirements of the direction which are specified in the notice for the purposes of section 18A(1)(a) of this Act have been complied with,
  - (b) that the notice purports to impose a requirement which could not have been imposed by a direction given under the provision under which the direction to which the notice relates was given, or
  - (c) that any requirement of the notice –
    - (i) is unnecessary for complying with the general requirements specified as mentioned in paragraph (a) above and should be dispensed with, or
    - (ii) having regard to the terms of those general requirements, is excessively onerous or inconvenient and should be modified in a manner specified in the notice of objection under subsection (1) above.

(4) Where the person on whom an enforcement notice is served serves a notice under subsection (1) above objecting to the enforcement notice, the [Committee] shall consider the grounds of the objection and, if so required by the objector, shall afford to him an opportunity of appearing before and being heard by a person appointed by the [Committee] for the purpose, and shall then serve on the objector a notice in writing either –

- (a) confirming the enforcement notice as originally served, or
- (b) confirming it subject to one or more modifications specified in the notice under this subsection, or
- (c) cancelling the enforcement notice.

(5) An enforcement notice to which an objection has been made under subsection (1) above –

- (a) if it contains such a requirement as is mentioned in section 18B(3) or (5)(b) of this Act, shall continue to have effect as originally served until it has been cancelled, or it has been confirmed subject to modifications by a notice under subsection (4) above, and
- (b) in any other case, shall not take effect until it has been confirmed (with or without modification) by a notice under subsection (4) above.

#### **Enforcement notices: supplementary**

**18E.-(1)** An enforcement notice served on any person –

- (a) may be revoked by a notice served on him by an authorised person, and
- (b) may be varied by a further enforcement notice.

(2) Sections 15 and 16 of this Act apply to an enforcement notice as they apply to the direction to which the notice relates.

(3) The ownership of any property shall not be affected by reason only that it is placed on or under or affixed to, any land in compliance with an enforcement notice.

(4) Where an authorised person has served an enforcement notice specifying the general requirements of a direction with which the person on whom it is served has, in the opinion of the authorised person, failed to comply, the person on whom the notice is served shall not be taken, for the purposes of section 12(9), 13(4), 13A(3) or 14(7) of this Act, to have failed to comply with the direction by reason of the matters specified in the notice.

(5) Subsection (4) above does not apply in relation to any proceedings commenced before the service of the enforcement notice.

(6) Where an enforcement notice has been served in relation to a direction, the fact that the notice specifies certain general requirements of the direction as those with which the person on whom the notice is served has, in the opinion of the authorised person, failed to comply shall not in any proceedings be evidence that any other requirement of the direction has been complied with.

(7) In this section “direction” means a direction under section 12, 13, 13A or 14 of this Act].

#### **Operation of direction under Part II in relation to rights and duties under other laws**

**19.-(1)** The following provisions of this section, where they refer to a direction under any of the preceding provisions of this Part of this Act, shall be construed as referring to that direction as it has effect subject to any limitations imposed on its operation –

- (a) by section 16 of this Act, or
- (b) by any exemption or immunity of the Crown;

and any reference in those provisions to compliance with such a direction shall be construed as a reference to compliance with it subject to any limitations so imposed.

(2) Insofar as any such direction requires anything to be done or not done in [Jersey], the direction shall have effect notwithstanding anything contained in any contract (whether a [Jersey] contract or not) or contained in, or having effect by virtue of, any other Act or any rule of law; and accordingly no proceedings (whether civil or criminal) shall lie against any person in any [Jersey] court by reason of anything done or not done by him or on his behalf in compliance with such a direction.

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

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

<(4A) Any reference in this section to a direction under any of the preceding provisions of this Part of this Act includes a reference to an enforcement notice.>

[(5) In this section “Jersey contract” means a contract which is either expressed to have effect in accordance with the law of Jersey or (not being so expressed) is a contract of which the proper law is the law of Jersey].

### **Inspection of aircraft and aerodromes**

**20.-(1)** For the purpose of enabling the [Committee] to determine whether to give a direction to any person under any of the preceding provisions of this Part of this Act, or of ascertaining whether any such direction <or any enforcement notice> is being or has been complied with <an authorised person> in writing by the [Committee] (in this section referred to as an “authorised person”) shall have power, on production (if required) of his credentials, to inspect –

- (a) any aircraft \* \* \* operating in [Jersey] at a time when it is in [Jersey], or
- (b) any part of any aerodrome in [Jersey] <, or
- (c) any land outside an aerodrome which is occupied for the purposes of a business by a person who –
  - (i) also occupies (or appears to the authorised person to be about to occupy) land within an aerodrome for the purposes of that business, or
  - (ii) is permitted (or appears to the authorised person to be about to be permitted) to have access to a restricted zone of an aerodrome for the purposes of the activities of that business.>

(2) An authorised person inspecting an aircraft or any part of an aerodrome <, or any land outside an aerodrome> under subsection (1) above shall have power –

- (a) to subject any property found by him in the aircraft (but not the aircraft itself or any apparatus or equipment installed in it) or, as the case may be, to subject that part of the aerodrome or any property found by him there <or on that land>, to such tests,
- (aa) to take such steps –
  - (i) to ascertain what practices or procedures are being followed in relation to security, or
  - (ii) to test the effectiveness of any practice or procedure relating to security>; or
- (b) to require the operator of the aircraft, [the Airport Director] <or the occupier of the land> to furnish to him such information,

as the authorised person may consider necessary for the purpose for which the inspection is carried out.

(3) Subject to subsection (4) below, an authorised person, for the purpose of exercising any power conferred on him by the preceding provisions of this section in relation to an aircraft <, in relation to an aerodrome or in relation to any land outside an aerodrome> shall have power –

- (a) for the purpose of inspecting an aircraft, to enter it and to take all such steps as are necessary to detain it, or
- (b) for the purpose of inspecting any part of an aerodrome, to enter any building or works in the aerodrome or enter upon any land in the aerodrome<, or
- (c) for the purpose of inspecting any land outside an aerodrome, to enter upon the land and to enter any building or works on the land.>

(4) The powers conferred by subsection (3) above shall not include power for an authorised person to use force for the purpose of entering any aircraft, building or works or entering upon any land.

(5) Any person who –

- (a) <\* \* \* \* \*>
- (b) <\* \* \* \* \*> without reasonable excuse, fails to comply with a requirement imposed on him under subsection (2)(b) above, or
- (c) in furnishing any information so required, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and liable \* \* \* to a fine or to imprisonment for a term not exceeding two years or to both.

## AIR NAVIGATION INSTALLATIONS

### Application of provisions of Part II to air navigation installations

**21.**-(1) Sections 11, 13, <13A,> 14, 15, 16 and 20 of this Act shall have effect in relation to air navigation installations in [Jersey] in accordance with the following provisions of this section.

(2) In relation to any such air navigation installation which does not form part of an aerodrome, those sections shall have effect, subject to subsection (5) below, as if in them any reference to an aerodrome were a reference to such an air navigation installation \* \* \*.

(3) Where an air navigation installation forms part of an aerodrome in [Jersey], those sections shall have effect, subject to subsection (5) below, as if in them any reference to an aerodrome were a reference either –

- (a) to an aerodrome, or
- (b) to an air navigation installation which forms part of an aerodrome, or

- (c) to so much of an aerodrome as does not consist of an air navigation installation;

and accordingly a notice under section 11 of this Act or a direction under section 13 or 14 of this Act may be served or given either in respect of the whole of the aerodrome, or in respect of the air navigation installation separately, or in respect of so much of the aerodrome as does not consist of an air navigation installation.

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

(5) Subsections (2) and (3) above shall not apply to section 13(3) of this Act; but where a direction given under section 13 of this Act, as applied or modified by the preceding provisions of this section, is for the time being in force –

- (a) if it is a direction given in respect of an air navigation installation separately (whether that installation forms part of an aerodrome or not), the said section 13(3) shall have effect in relation to that direction as if the air navigation installation were an aerodrome \* \* \*;
- (b) if it is direction given in respect of so much of an aerodrome as does not consist of an air navigation installation, the said section 13(3) shall have effect in relation to that direction as if any air navigation installation comprised in the aerodrome did not form part of the aerodrome.

(6) A direction under section 14 of this Act, as applied or modified by the preceding provisions of this section, may be given to the [Airport Director] so as to relate either –

- (a) to all air navigation installations in [Jersey for which the Committee is responsible] at the time when the direction is given or at any subsequent time, or
- (b) only to one or more such air navigation installations, or to a class of such air navigation installations, specified in the direction.

(7) Any reference in section 17, 18(1) <, 18A, 18B, 18E> or 19(1) of this Act to a direction given under a provision therein mentioned shall be construed as including a reference to a direction given under that provision as applied or modified by the preceding provisions of this section.

(8) Notwithstanding anything in subsection (2)(a) of section 20 of this Act, a person inspecting an air navigation installation under that section (or under that section as applied or modified by the preceding provisions of this section) shall not be empowered thereby to test any apparatus or equipment which constitutes or forms part of the air navigation installation.

## OFFENCES RELATING TO SECURITY AT AERODROMES

### **False statements relating to baggage, cargo, etc.**

**21A.**-(1) Subject to subsection (3) below, a person commits an offence if, in answer to a question which –



- (a) relates to any baggage, cargo or stores (whether belonging to him or to another) that is or are intended for carriage by a civil aircraft \* \* \* operating in [Jersey], and
- (b) is put to him for purposes to which this Part of this Act applies –
  - (i) by any of the persons mentioned in subsection (2) below,
  - (ii) by any employee or agent of such a person in his capacity as employee or agent, or
  - (iii) by a [police officer],

he makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular.

- (2) The persons referred to in subsection (1)(b) above are –

- [(a) the Airport Director,
- (b) the operator of one or more aircraft\* \* \*operating in [Jersey], and
- (c) any person who –
  - (i) is permitted to have access to a restricted zone of an aerodrome for the purposes of the activities of a business carried on by him, and
  - (ii) has control in that restricted zone over the baggage, cargo or stores to which the question relates.

(3) Subsection (1) above does not apply in relation to any statement made by an authorised person in the exercise of the power conferred by section 20(2)(aa) of this Act.

(4) A person guilty of an offence under subsection (1) above shall be liable [to a fine.]

- (5) In this section –

“cargo” includes mail;

“civil aircraft” has the same meaning as in section 3 of this Act; and

“stores” means any goods intended for sale or use on an aircraft, including spare parts and other articles of equipment, whether or not for immediate fitting.

#### **False statements in connexion with identity documents**

**21B.**-(1) Subject to subsection (4) below, a person commits an offence if –

- (a) for the purpose of, or in connexion with, an application made by him or another for the issue of an identity document to which this subsection applies, or
- (b) in connexion with the continued holding by him or another of any such document which has already been issued,

he makes to any of the persons specified in subsection (3) below, to any employee or agent of such a person or to a [police officer], a statement which he knows to be false in a material particular, or recklessly makes to any of those persons, to any such employee or agent or to a [police officer], a statement which is false in a material particular.

(2) Subsection (1) above applies to any identity documents which is to be or has been issued by any of the persons specified in subsection (3) below in accordance with arrangements the maintenance of which is required by a direction given by the [Committee] under section 14 of this Act.

(3) The persons referred to in subsection (1) above are –

- (a) the [Airport Director,]
- (b) \* \* \* \* \*
- (c) the operator of one or more aircraft [operating in Jersey], and
- (d) any person who is permitted to have access to a restricted zone of an aerodrome or air navigation installation for the purposes of the activities of a business carried on by him.

(4) Subsection (1) above does not apply in relation to any statement made by an authorised person in the exercise of the power conferred by section 20(2)(aa) of this Act.

(5) A person guilty of an offence under subsection (1) above shall be liable [to a fine].

### **Unauthorised presence in restricted zone**

**21C.**-(1) A person shall not –

- (a) go, with or without a vehicle, onto any part of a restricted zone of –
  - (i) an aerodrome, or
  - (ii) an air navigation installation which does not form part of an aerodrome,

except with the permission of the [Airport Director or a person acting on his behalf], and in accordance with any conditions subject to which that permission is for the time being granted, or

- (b) remain on any part of such a restricted zone after being requested to leave by the [Airport Director or a person acting on his behalf].

(2) Subsection (1)(a) above does not apply unless it is proved that, at the material time, notices stating that the area concerned was a restricted zone were posted so as to be readily seen and read by persons entering the restricted zone.

(3) A person who contravenes subsection (1) above without lawful authority or reasonable excuse shall be guilty of an offence and liable [to a fine].

### **Unauthorised presence on board aircraft**

**21D.**-(1) A person shall not –

- (a) get into or onto an aircraft at an aerodrome in [Jersey] except with the permission of the operator of the aircraft or a person acting on his behalf, or
- (b) remain on an aircraft at such an aerodrome after being requested to leave by the operator of the aircraft or a person acting on his behalf.

(2) A person who contravenes subsection (1) above without lawful authority or reasonable excuse shall be guilty of an offence and liable [to a fine].

### **Offences relating to authorised persons**

**21E.**-(1) A person who –

- (a) intentionally obstructs an authorised person acting in the exercise of a power conferred on him by or under this Part of this Act, or
- (b) falsely pretends to be an authorised person,

commits an offence.

(2) A person guilty of an offence under subsection (1)(a) shall be liable \* \* \* to a fine or to imprisonment for a term not exceeding two years or to both.

(3) A person guilty of an offence under subsection (1)(b) above shall be liable [to a fine].

## **AIR CARGO AGENTS**

### **Air cargo agents**

**21F.**-(1) [The Committee] may by [Order] make provision, for purposes to which this Part of this Act applies, in relation to persons (in this section referred to as “air cargo agents”) who carry on a business of handling cargo which is to be delivered (whether by them or any other person) to the operator of any aircraft for carriage from any aerodrome in [Jersey] by a civil aircraft.

(2) [An Order] under this section may, in particular –

- (a) enable [the Committee] to maintain a list of air cargo agents who are approved by [the Committee] for purposes related to aviation security, to include the name of an air cargo agent on that list, on application being made to [the Committee] in accordance with the [Order], if [the Committee] is satisfied as to such matters as are specified in the [Order], and to remove the name of any person from that list in such circumstances as are so specified,
- (b) provide that any provision of this Part of this Act which applies in relation to persons who are permitted to have access to a restricted zone of an aerodrome for the purposes of the activities of a business (including any such provision which creates a criminal offence) shall also apply, with such modifications as are specified in the [Order], in relation to air cargo agents included on any such list,
- (c) amend sections 21A(2), 21B(3) and 32(2) of this Act by including references to air cargo agents included on any such list,
- (d) make provision (including any such provision as is mentioned in paragraphs (a) to (c) above) relating to a class of air cargo agents specified in the [Order] and not to other air cargo agents,
- (e) make different provision for different cases, and
- (f) make such incidental, supplementary or transitional provision as [the Committee] considers necessary or expedient in consequence of any provision made by the [Order].

(3) Before making any [Order] under this section [the Committee] shall consult organisations appearing to [the Committee] to represent persons affected by the proposed [Order].

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

(5) Without prejudice to the generality of sections 12 and 14 of this Act, the exemptions that may be included in any direction given to an operator of aircraft under section 12 or 14 which requires the carrying out of searches of cargo, or the taking of any other measures in relation to cargo, include exemptions from such requirements in relation to cargo received from any air cargo agent included on any list maintained by [the Committee] under [Orders] under this section or from any air cargo agent falling within a class of such air cargo agents specified in the direction.

(6) In this section –

“cargo” includes stores and mail; and

“stores” means any goods intended for sale or use on an aircraft, including spare parts and other articles of equipment, whether or not for immediate fitting.

#### REPORTING OF CERTAIN OCCURRENCES RELATING TO AVIATION SECURITY

**Duty to report certain occurrences**

**21G.**-(1) For purposes to which this Part of this Act applies, [the Committee] may by [Order] require such persons as are specified in the [Order] to make a report to him, in such manner and within such period as are so specified, of any occurrence of a description so specified.

(2) Before making any [Orders] under this section, [the Committee] shall consult organisations appearing to [the Committee] to represent persons affected by the proposed [Order].

(3) [An Order] under this section may –

- (a) provide that any person who, in making a report required by the [Order], makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular, is to be guilty of an offence and liable \* \* \* to a fine or to imprisonment for a term not exceeding two years or to both, and
- (b) provide for persons to be guilty of an offence in such other circumstances as may be specified in the [Order] and to be liable [to a fine].

[(4) An Order under this section shall not require the reporting of occurrences taking place outside Jersey].

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

**MISCELLANEOUS SUPPLEMENTAL PROVISIONS****Compensation in respect of certain measures taken under Part II**

**22.**-(1) The provisions of this section shall have effect where, in compliance with a direction under section 14 or under that section as applied or modified by section 21 of this Act, <or in compliance with an enforcement notice, the person to whom the direction was given or on whom the notice was served> takes any measures consisting of the construction, execution, alteration, demolition or removal of a building or other works on land within or outside <an aerodrome or> air navigation installation, as the case may be.

(2) If the value of any interest in that land to which a person is entitled is depreciated in consequence of the taking of those measures, or the person having such an interest suffers loss in consequence of them by being disturbed in his enjoyment of any of that land, he shall be entitled to compensation equal to the amount of the depreciation or loss.

(3) If any land other than the land on which the measures are taken is injuriously affected by the taking of those measures, any person having an interest in that other land, who suffers loss in consequence of its being injuriously affected, shall be entitled to compensation equal to the amount of the loss.

(4) Any compensation to which a person is entitled under this section shall be payable to him by [the Committee].

(5) The provision of Schedule 1 to this Act shall have effect for the purposes of this section; and the preceding provisions of this section shall have effect subject to the provisions of that Schedule.

<23.\* \* \* \* \*>

**<Service of documents>**

**24.-(1)** This section has effect in relation to any notice, any document containing a direction and any other document authorised or required by any provision of this Part of this Act to be served on or given to any person.

(2) Any such document may be given to or served on any person –

- (a) by delivering it to him, or
- (b) by leaving it at his proper address, or
- (c) by sending it by post to him at that address, or
- (d) by sending it to him at that address by telex or other similar means which produce a document containing the text of the communication.

(3) Any such document may, in the case of a body corporate, be given to or served on the secretary, clerk or similar officer of that body.

(4) For the purposes of this section and section 7 of the Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of any person to whom or on whom any document is to be given or served is his usual or last known address or place of business (whether in [Jersey] or elsewhere), except in the case of a body corporate or its secretary, clerk or similar officer, it shall be the address of the registered or principal office of that body in [Jersey] (or, if it has no office in [Jersey], of its principal office, wherever it may be).

(5) If the person to or on whom any document mentioned in subsection (1) above is to be given or served has notified the [Committee] of an address within [Jersey], other than his proper address within the meaning of subsection (4) above, as the one at which he or someone else on his behalf will accept documents of the same description as that document, that address shall also be treated for the purposes of this section and section 7 of the Interpretation Act 1978 as his proper address.

(6) Where an authorised person –

- (a) intends to serve an enforcement notice on any person (“the intended recipient”), and
- (b) is of the opinion that all the requirements of the notice could be complied with by an employee or agent of the intended recipient,

the authorised person may, after consulting that employee or agent, serve the notice on the intended recipient by delivering it to that employee or agent or by sending it to that employee or agent at the proper address of the employee or agent by such means as are mentioned in subsection (2)(d) above.

(7) An authorised person who serves an enforcement notice under subsection (6) above on an employee or agent of the intended recipient shall serve a copy of the notice on the intended recipient.

(8) Nothing in subsection (6) above shall be taken to impose on the employee or agent to whom the enforcement notice is delivered or sent by any obligation to comply with it.

### **Interpretation of Part II**

**24A.**-(1) In this Part of this Act, except insofar as the context otherwise requires –

“act of violence” has the meaning given by section 10(2) of this Act,

“authorised person” means a person authorised in writing by the [Committee] for the purposes of this Part of this Act,

“employee” in relation to a body corporate, includes officer,

“enforcement notice” has the meaning given by section 18A(1) of this Act, and

“restricted zone”, in relation to an aerodrome or air navigation installation, means any part of the aerodrome or installation designated under section 11A of this Act or, where the whole of the aerodrome or installation is so designated, that aerodrome or installation.

(2) For the purposes of this Part of this Act a person is permitted to have access to a restricted zone of an aerodrome or air navigation installation if he is permitted to enter that zone or if arrangements exist for permitting any of his employees or agents to enter that zone.>

### *PART III*

#### **POLICING OF AIRPORTS**

< \* \* \* \* \*

### *PART IV*

#### **THE AVIATION SECURITY FUND**

< \* \* \* \* \*

### *PART V*

#### **MISCELLANEOUS AND GENERAL**

##### **Offences by bodies corporate**

**37.-(1)** Where an offence under this Act <(including any provision of Part II as applied by [Order] made under section 21F of this Act) or under [Order] made under section 21G> of this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connexion with his functions of management as if he were a director of the body corporate.

### **Interpretation, etc**

**38.-(1)** In this Act, except insofar as the context otherwise requires –

< \* \* \* \* \*

["aerodrome" means the aggregate of the land, buildings and works comprised in the Jersey Airport and (if and so far as not so comprised) any land, buildings or works situated within the boundaries of an area designated, by an order made by the Committee which is for the time being in force, as constituting the area of an aerodrome for the purposes of this Act];

"air navigation installation" means any building, works, apparatus or equipment used wholly or mainly for the purpose of assisting air traffic control or as an aid to air navigation, together with any land contiguous or adjacent to any such building, works, apparatus or equipment and used wholly or mainly for purposes connected therewith;

["aircraft operating in Jersey" means any aircraft which is for the time being allocated for use on flights which (otherwise than in exceptional circumstances) include landing or taking off from one or more aerodromes in Jersey;

"Airport Director" means the person for the time being appointed as such by the Committee under the Aerodromes Administration (Jersey) Law 1952, as amended<sup>10</sup>];

"article" includes any substance, whether in solid or liquid form or in the form of a gas or vapour;

["the Committee" means the Harbours and Airport Committee of the States of Jersey];

\* \* \* \* \*

<sup>10</sup> Tome VIII, page 69, and Volume 1990–1991, pages 411 and 412.



“explosive” means any article manufactured for the purpose of producing a practical effect by explosion, or intended for that purpose by a person having the article with him;

“firearm” includes an airgun or air pistol;

[“Jersey” means the Bailiwick of Jersey;

“the Jersey Airport” means the premises for the time being belonging to the States of Jersey situate at St. Peter and used from time to time for the landing and departure of aircraft or for purposes ancillary thereto];

\* \* \* \* \*

“military service” includes naval and air force service;

“measures” (without prejudice to the generality of that expression) includes the construction, execution, alteration, demolition or removal of buildings or other works and also includes the institution or modification, and the supervision and enforcement, of any practice or procedure;

“operator” has the same meaning as in the Civil Aviation Act 1982 [(as extended to Jersey by the Civil Aviation Act 1982 (Jersey) Order 1990)];<sup>11</sup>

[“police officer” means a member of the Honorary Police or a member of the States of Jersey Police Force and includes any person having the powers of a police officer];

“property” includes any land, buildings or works, any aircraft or vehicle and any baggage, cargo or other article of any description;

\* \* \* \* \*

“United Kingdom national” means an individual who is –

- (a) a British citizen, a British Dependent Territories citizen {,a British National (Overseas)} or a British Overseas citizen;
- (b) a person who under the British Nationality Act 1981 is a British subject;  
or
- (c) a British protected person (within the meaning of that Act).

(2) \* \* \* \* \*

(3) For the purposes of this Act –

- (a) the period during which an aircraft is in flight shall be deemed to include any period from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation, and, in the case of a forced landing, any period until

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<sup>11</sup> Volume 1990–1991, page 145.

the competent authorities take over responsibility for the aircraft and for persons and property on board; and

- (b) an aircraft shall be taken to be in service during the whole of the period which begins with the pre-flight preparation of the aircraft for a flight and ends 24 hours after the aircraft lands having completed that flight, and also at any time (not falling within that period) while, in accordance with the preceding paragraph, the aircraft is in flight,

\* \* \*

[(4) For the purposes of this Act “Jersey” includes the territorial waters adjacent thereto];

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

(6) Any power to give a direction under any provision of this Act shall be construed as including power to revoke or vary any such direction by a further direction <\* \* \*.>

(7) Subject to section 18 of the Interpretation Act 1978 (which relates to offences under two or more laws), Part I of this Act shall not be construed as –

- (a) conferring a right of action in any civil proceedings in respect of any contravention of this Act, or
- (b) derogating from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.

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

<39. \* \* \* \* \*

### **Consequential amendments, savings and repeals**

**40.**-(1) Schedule 2 to this Act (which contains consequential amendments and savings) shall have effect; and the provisions of that Schedule are without prejudice to sections 16 and 17 of the Interpretation Act 1978 (which relate to repeals).

(2) Subject to the provisions of Schedule 2 to this Act, the enactments specified in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of Schedule 3.

### **Short title and commencement**

**41.**-(1) This Act may be cited as the Aviation Security Act 1982.

- (2) \* \* \* \* \*

**SCHEDULES****[SCHEDULE 1****(Section 22)****PROVISIONS RELATING TO COMPENSATION**

**1.** This Schedule applies to compensation under section 22 of this Act (in this Schedule referred to as “the relevant section”).

**2.** No compensation to which this Schedule applies shall be payable unless the person to whom it is payable in accordance with the relevant section serves on the Airport Director notice in writing claiming compensation under that section, and that notice is served before the end of the period of two years from the completion of the measures.

**3.** In relation to any measures taken by the Airport Director on land outside an aerodrome or an air navigation installation, as the case may be, any reference in the relevant section to a direction, or to compliance with a direction, shall be construed as if subsection (6) of section 16 of this Act were omitted.

**4.** In calculating value for any of the purposes of the relevant section –

- (a) rules (b), (c) and (d) of the rules set out in Article 9(1) of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961<sup>12</sup> shall apply with the necessary modifications, and
- (b) if the interest to be valued is subject to a mortgage, it shall be treated as if it were not subject to a mortgage.

**5.** The Committee may by Order make provision –

- (a) requiring compensation to which this Schedule applies, in such cases as may be specified in the Order, to be paid to a person other than the person entitled to it in accordance with the relevant section;
- (b) as to the application of any compensation to which this Schedule applies, or any part of it, in cases where the right to claim compensation is exercisable by reference to an interest in land which is subject to a mortgage; or
- (c) as to any assumption to be made, or matters to be taken into or left out of account, for the purpose of assessing any compensation to which this Schedule applies.

**6.-(1)** Any dispute arising under the relevant section or under this Schedule, whether as to the right to any compensation or as to the amount of any compensation, or otherwise, shall be referred to and determined by two arbitrators, one of whom shall be appointed by the Committee and the other by the person claiming the compensation save that, if an arbitrator is not appointed by the person claiming compensation, then

<sup>12</sup> Volume 1961–1962, page 396, Volume 1970–1972, page 179, Volume 1979–1981, page 374, and Volume 1990–1991, page 852.

he shall be nominated by the Committee and any arbitrator so nominated shall be deemed to be the arbitrator appointed by the person claiming the compensation.

(2) Arbitrators appointed under sub-paragraph (1) above shall, before commencing to determine any matter referred to them under this paragraph, nominate an umpire who shall determine the matter if the arbitrators disagree.

(3) The arbitrators or umpire, as the case may be, may refer to the Royal Court, sitting as the Inferior Number, any question of law mixed with fact arising in connexion with any matter referred to them or him in such manner and within such time as may be prescribed by rules of court.

(4) Subject to paragraph (3) above, the decision of the arbitrators or of the umpire, as the case may be, shall be final.

7. In this Schedule, “mortgage” includes any hypothec.”].

**SCHEDULE 2****(Section 40)****CONSEQUENTIAL AMENDMENTS AND SAVINGS***Periods running at commencement*

1. Where any period of time specified in or for the purposes of any enactment re-enacted by this Act is current at the commencement of this Act, this Act shall have effect as if the provision of this Act re-enacting that enactment had been in force when that period began to run.

*Past offences*

2. This Act (and, in particular, the following provisions of this Schedule) shall not affect the law applicable to, or to proceedings in respect of, an offence committed before the commencement of this Act under any enactment repealed by this Act.

3. \* \* \* \* \*

*The Protection of Aircraft Act 1973*

4. Where before the commencement of this Act any land, building or works was or were, by virtue of an order under section 26 of the Protection of Aircraft Act 1973, [(as extended to Jersey by the Protection of Aircraft Act 1973 (Jersey) Order 1973<sup>13</sup>)] included in an aerodrome for the purposes of that Act, the land, building or works shall, to the extent that that Order has effect on or after the commencement of this Act, be treated as included in that aerodrome not only for the purposes of the provisions of this Act re-enacting provisions of that Act but also for the purposes of the other provisions of this Act.

5. \* \* \* \* \*

6. \* \* \* \* \*

*The Suppression of Terrorism Act 1978*

7. For paragraphs 18 and 19 of Schedule 1 to the Suppression of Terrorism Act 1978 [(as extended to Jersey by the Suppression of Terrorism Act 1978 (Jersey) Order 1978<sup>14</sup>)] there shall be substituted the following paragraph –

“18. An offence under Part I of the Aviation Security Act 1982 (other than an offence under section 4 or 7 of that Act).

8. \* \* \* \* \*

<sup>13</sup> Volume 1973–1974, page 135.

<sup>14</sup> Volume 1979–1981, page 91.

**SCHEDULE 3****(Section 40)****REPEALS**

| Chapter   | Short title                                       | Extent of repeal  |
|-----------|---|---|
| 1967 c 52 | The Tokyo Convention Act 1967 <sup>15</sup>       | In section 4, the words from “and any such court” onwards.<br><br>In section 7(1), the words from “except where” to “the said section 92”.                              |
| 1971 c 70 | The Hijacking Act 1971 <sup>16</sup>              | The whole Act.  |
| 1973 c 47 | The Protection of Aircraft Act 1973 <sup>17</sup> | The whole Act.  |
| * * *     | *   | * *   |
| * * *     | *   | * *   |
| * * *     | *   | * *   |
| * * *     | *   | * *   |
| * * *     | *   | * *   |
| * * *     | *   | * *   |
| * * *     | *   | * *   |
| 1982 c 16 | The Civil Aviation Act 1982 <sup>18</sup>         | In Schedule 14, paragraph 10.<br><br>In Schedule 15, in paragraph 6 the words from “for the definitions” to “the said section 92”; and paragraphs 10, 13, 15 and 20(3). |

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<sup>15</sup> Volume 1968–1969, pages 234 and 236.

<sup>16</sup> Volume 1970–1972, page 279.

<sup>17</sup> Volume 1973–1974, page 135.

<sup>18</sup> Volume 1982–1983, page 255.

**AVIATION AND MARITIME SECURITY ACT 1990****CHAPTER 31***ARRANGEMENT OF SECTIONS**PART I*

## AVIATION SECURITY

**Endangering safety at aerodromes**

## Section

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| 2. | *                                | * | * | * | * | * | * |

*PART II*OFFENCES AGAINST THE SAFETY OF SHIPS AND FIXED  
PLATFORMS

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*PART III*PROTECTION OF SHIPS AND HARBOUR AREAS AGAINST  
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*PART IV*

## MISCELLANEOUS AND GENERAL

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*SCHEDULES*

|   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|
| * | * | * | * | * | * | * | * |
|---|---|---|---|---|---|---|---|

**ELIZABETH II****1990 CHAPTER 31**

**AN ACT** to give effect to the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation which supplements the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation; to make further provision with respect to aviation security and civil aviation; to give effect to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf which supplements that Convention; to make other provision for the protection of ships and harbour areas against acts of violence; and for connected purposes.

[26th July 1990]

**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>19</sup> –

*PART I***AVIATION SECURITY****Endangering safety at aerodromes**

**1.-(1)** It is an offence for any person by means of any device, substance or weapon intentionally to commit at an aerodrome serving international civil aviation any act of violence which –

- (a) causes or is likely to cause death or serious personal injury, and
- (b) endangers or is likely to endanger the safe operation of the aerodrome or the safety of persons at the aerodrome.

**(2)** It is also, subject to subsection (4) below, an offence for any person by means of any device, substance or weapon unlawfully and intentionally –

- (a) to destroy or seriously to damage –
  - (i) property used for the provision of any facilities at an aerodrome serving international civil aviation (including any apparatus or equipment so used), or

<sup>19</sup> Deletions and words in square brackets indicate adaptations and modifications made by the Aviation Security (Jersey) Order 1993.



(ii) any aircraft which is at such an aerodrome but is not in service, or

(b) to disrupt the services of such an aerodrome,

in such a way as to endanger or be likely to endanger the safe operation of the aerodrome or the safety of persons at the aerodrome.

(3) Except as provided by subsection (4) below, subsections (1) and (2) above apply whether any such act as is referred to in those subsections is committed in [the Bailiwick of Jersey] or elsewhere and whatever the nationality of the person committing the act.

(4) Subsection (2)(a)(ii) above does not apply to any act committed in relation to an aircraft used in military, customs or police service unless –

(a) the act is committed in [the Bailiwick of Jersey], or

(b) where the act is committed outside [the Bailiwick of Jersey], the person committing it is a United Kingdom national.

(5) A person who commits an offence under this section is liable \* \* \* to imprisonment for life.

(6) Sections 38(3)(b) (period during which aircraft in service) and 38(4) (territorial waters) of the Aviation Security Act 1982 apply for the purposes of this section as they apply for the purposes of that Act; and the references in section 38(7) of that Act (other proceedings) to Part I of that Act and to that Act include references to this section.

(7) Proceedings for an offence under this section shall not be instituted [except by, or with the consent of, the Attorney General in Jersey].

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

(9) In this section –

“act” of violence means –

(a) any act done in [the Bailiwick of Jersey] which constitutes the offence of murder, attempted murder, manslaughter [or assault or an offence under Article 2 of the Loi (1884) sur les Matières Explosives<sup>20</sup>];

(b) any act done outside [the Bailiwick of Jersey] which, if done in the United Kingdom, would constitute such an offence as is mentioned in paragraph (a) above,

“aerodrome” has the same meaning as in the Civil Aviation Act 1982,

“military service” and “United Kingdom national” have the same meaning as in the Aviation Security Act 1982; and

“unlawfully” –

<sup>20</sup> Volume 1979–1981, page 201.

- (a) in relation to the commission of an act in [the Bailiwick of Jersey], means so as (apart from this section) to constitute an offence under the law of [the Bailiwick of Jersey] in which the act is committed, and
- (b) in relation to the commission of an act outside [the Bailiwick of Jersey], means so that the commission of the act would (apart from this section) have been an offence under the law of [Jersey if it had been committed in the Bailiwick of Jersey].

### **Offences by bodies corporate**

**50.**-(1) Where an offence under [section 1] of this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connexion with his functions of management as if he were a director of the body corporate.