



Jersey

# **CIVIL AVIATION ACT 1980 (JERSEY) ORDER 1984**

**Unofficial extended UK law**

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**APPENDIX**





## **CIVIL AVIATION ACT 1980 (JERSEY) ORDER 1984**

**Jersey Order in Council 10/1984**

**THE CIVIL AVIATION ACT 1980 (JERSEY) ORDER 1984**

\_\_\_\_\_  
(Registered on the 16th day of March, 1984)

\_\_\_\_\_  
**At the Court at Buckingham Palace.**

\_\_\_\_\_  
8th February, 1984

\_\_\_\_\_  
PRESENT

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

**HER MAJESTY**, in pursuance of section 30(1) of the Civil Aviation Act 1980 is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows: -

- 1.** This Order may be cited as the Civil Aviation Act 1980 (Jersey) Order 1984 and shall come into operation on 1st April 1984.
- 2.** In this Order, "the Bailiwick" means the Bailiwick of Jersey and the territorial waters adjacent thereto.
- 3.** It is hereby directed that sections 3 and 10 of, and Schedule 1 to, the Civil Aviation Act 1980 shall extend to the Bailiwick with the modifications specified in the Schedule to this Order.

**N.E. LEIGH,**

*Clerk of the Privy Council.*

**SCHEDULE****Article 3****Modifications of Provisions of the Civil Aviation Act 1980 as extended to the Bailiwick of Jersey**

1. In section 3(1), the words “(subject to the following provisions of this section and section 5(1) of this Act)” shall be omitted.

2. After section 3(2), there shall be inserted the following subsection: -

“(2A) Any order made under subsection (2) above before the date of the coming into force of that subsection in the Bailiwick shall (without prejudice to section 10(3) below) extend to the Bailiwick notwithstanding having been made before that date”.

3. Section 3(4), (7) and (8) shall be omitted.

4. In section 10(1), for the definition of “the Board” there shall be substituted the following definition: -

“the Board’ means the British Airways Board within the meaning of the Act of 1977;”

5 After section 10(1), there shall be inserted the following subsection: -

“(1A) Any order made before the date of the coming into force of this section in the Bailiwick and appointing a day as the appointed day for the purposes of this Part of this Act shall (without prejudice to subsection (3) below) extend to the Bailiwick notwithstanding having been made before that date”.

6. Section 10(2) shall be omitted.

7. In Schedule 1, paragraphs 2(1) and (2) and 3 shall be omitted.

**ELIZABETH II****1980 CHAPTER 60**

**AN ACT** to provide for the reduction of the public dividend capital of the British Airways Board and otherwise to make provision in relation to the finances of the Board; to provide for the subsequent dissolution of the Board and the vesting of all its property, rights, liabilities and obligations in a company nominated by the Secretary of State; to make provision with respect to the finances of that company; to amend the Civil Aviation Act 1971; to amend section 4 of the Civil Aviation (Eurocontrol) Act 1962; to require sound-proofing grants to be taken into account in determining compensation for depreciation due to the use of aerodromes; to make further provision with respect to the investigation of accidents arising out of or in the course of air navigation; to amend the Protection of Aircraft Act 1973; to extend the powers of the British Airports Authority in relation to aerodromes outside Great Britain and clarify its powers in certain other respects; to enable that Authority to acquire certain land by agreement; and to enable the owners and managers of certain aerodromes to make byelaws in relation to lost property found at those aerodromes.

(13th November 1980)

**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>1</sup>: -

**PART I**

\* \* \* \* \*

**Vesting of property, etc., of British Airways Board in a company nominated by the Secretary of State**

**3.-(1)** On the appointed day all the property, rights, liabilities and obligations to which the Board was entitled or subject immediately before that day shall \* \* \* \* \*  
\* become by virtue of this section property, rights, liabilities and obligations of a company nominated for the purposes of this section by the Secretary of State (referred to below in this Part of this Act as "the successor company").

(2) The Secretary of State may, after consulting the Board, by order made by statutory instrument nominate\* for the purposes of this section any company formed and registered under the Companies Act 1948; but on the appointed day the nominated

<sup>1</sup> Deletions and words in square brackets indicate adaptations and modifications made by the Civil Aviation Act 1980 (Jersey) Order 1984.

\* By Order (registered in Jersey as R&O.7278) the company nominated for the purpose of section 3 of the Civil Aviation Act 1980 is British Airways Plc (registered number 1777777)

company must be a company limited by shares in which all the issued shares are held by or on behalf of the Crown.

[(2A) Any order made under subsection (2) above before the date of the coming into force of that subsection in the Bailiwick shall (without prejudice to section 10(3) below) extend to the Bailiwick notwithstanding having been made before that date.]

(3) Any agreement made, transaction effected or other thing done by, to or in relation to the Board which is in force or effective immediately before the appointed day shall have effect on and after that day as if made, effected or done by, to or in relation to the successor company, in all respects as if the successor company were the same person, in law, as the Board; and accordingly references to the Board –

- (a) in any agreement (whether or not in writing) and in any deed, bond or other instrument;
- (b) in any process or other document issued, prepared or employed for the purpose of any proceeding before any court or other tribunal or authority; and
- (c) in any other document whatsoever relating to or affecting any property, right, liability or obligation of the Board which vests by virtue of this section in the successor company;

shall be taken on and after the appointed day as referring to the successor company.

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

(5) Schedule 1 to this Act contains specific provisions with respect to the effect in certain respects of the vesting of the property, rights, liabilities and obligations of the Board in the successor company by virtue of this section; but nothing in those provisions shall be taken as prejudicing the general effect of the preceding provisions of this section.

(6) References in this Part of this Act to property, rights, liabilities and obligations of the Board are references to all such property, rights, liabilities and obligations, whether or not capable of being transferred or assigned by the Board.

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

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

### **Interpretation of Part I**

**10.-(1)** In this Part of this Act -

“the Act of 1977” means the British Airways Board Act 1977;

“appointed day” means such day as the Secretary of State may appoint by order made by statutory instrument after consulting the Board and the Treasury;

[“the Board” means the British Airways Board within the meaning of the Act of 1977;]

“share” includes stock; and

“the successor company” has the meaning given by section 3(1) of this Act.

[(1A) Any order made before the date of the coming into force of this section in the Bailiwick and appointing a day as the appointed day for the purposes of this Part of this Act shall (without prejudice to subsection (3) below) extend to the Bailiwick notwithstanding having been made before that date.]

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

(3) An order under section 3 of this Act nominating any company for the purposes of that section and an order under subsection (1) above appointing a day may be varied or revoked by a subsequent order at any time before any property, rights, liabilities or obligations of the Board vest in any company by virtue of section 3.

\* \* \* \* \*

**SCHEDULE 1****Section 3(5)****EFFECT OF SECTION 3 IN CERTAIN CASES****Modification of agreements**

1. Where immediately before the appointed day there is in force an agreement which –

- (a) confers or imposes on the Board any rights, liabilities or obligations which vest in the successor company by virtue of section 3 of this Act: and
- (b) refers (in whatever terms and whether expressly or by implication) to a member or officer of the Board:

the agreement shall have effect, in relation to anything falling to be done on or after that day, as if for that reference there were substituted a reference to such person as that company may appoint or, in default of appointment, to the officer of that company who corresponds as nearly as may be to the member or officer of the Board in question.

**Pensions**

2.-(1) \* \* \* \* \*

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

(3) For the purposes of any relevant pension arrangements –

- (a) any period of employment by the Board of an employee of the Board who becomes an employee of the successor company shall be treated as employment by that company; and
- (b) any period of a person's employment before the appointed day by a company which becomes a wholly owned subsidiary of the successor company on the appointed day shall be treated as employment by a wholly owned subsidiary of the successor company.

(4) References in this paragraph to relevant pension arrangements are references to any arrangements for the payment of pensions, allowances or gratuities which by virtue of section 3(3) of this Act have effect as if made by the successor company and any further arrangements made by the successor company for corresponding purposes.

\* \* \* \* \*