



Jersey

**CIVIL AVIATION (LICENSING)
ACT, 1960 (CHANNEL ISLANDS)
ORDER, 1961**

Unofficial extended UK law

03.560

Showing the law as at 1 January 2019

APPENDIX

Jersey Order in Council 7/1961 Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 196



Jersey

CIVIL AVIATION (LICENSING) ACT, 1960 (CHANNEL ISLANDS) ORDER, 1961

Jersey Order in Council 7/1961

**“CIVIL AVIATION (LICENSING) ACT, 1960 (CHANNEL ISLANDS) ORDER,
1961”,**

AVEC

ACTE DE LA COUR ROYALE

Y RELATIF.

(Enregistré le 12 avril 1961).

**CIVIL AVIATION (LICENSING) ACT, 1960 (CHANNEL ISLANDS) ORDER,
1961.**

A LA COUR ROYALE DE L’ILE DE JERSEY.

L’An 1961, le 12e jour d’Avril.

MONSIEUR LE DÉPUTÉ BAILLI ayant présenté à la Cour: -

1° Un Ordre de Sa Très Excellente Majesté en Conseil en date du 24 Mars, 1961, transmettant pour enregistrement et publication dans l’Ile copie de certain Acte de Parlement passé dans les 8e et 9e années du Règne de Sa Majesté la Reine Elizabeth II, chapitre 38, intitulé: -

“The Civil Aviation (Licensing) Act, 1960”, et

2° Un Ordre de Sa Très Excellente Majesté en Conseil en date dudit jour 24 Mars, 1961, intitulé: -

Jersey Order in Council 7/1961 Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 196

“The Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 1961” ;

LA COUR, vu son Acte en date du 4 Avril, 1961, référant lesdits Ordres et ledit Acte de Parlement aux États, ainsi que certain Acte des États en date du 11 Avril, 1961, à ce sujet, conformément aux conclusions du Procureur Général de la Reine, a ordonné que tant lesdits Ordres que ledit Acte de Parlement soient enregistrés sur les records de cette Ile et publiés par l’Officier au lieu ordinaire, à jour de marché, afin que toutes personnes puissent en avoir connaissance.

P.E. LE COUTEUR,

Greffier Judiciaire.

Jersey Order in Council 7/1961 Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 196

“CIVIL AVIATION (LICENSING) ACT, 1960 (CHANNEL ISLANDS) ORDER, 1961.

At the Court at Buckingham Palace.

The 24th day of March, 1961.

Present

The Queen’s Most Excellent Majesty in Council.

HER MAJESTY, in pursuance of the powers conferred upon Her by subsections (1) and (2) of section eleven of the Civil Aviation (Licensing) Act, 1960, (hereafter in this Order referred to as “the Act of 1960”), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows: -

1. The provisions of the Act of 1960 shall extend to the Channel Islands with the modifications and adaptations specified in the Schedule to this Order.

2. In this Order the expression “Channel Islands” means the Bailiwicks of Jersey and Guernsey and the territorial waters adjacent thereto.

3. There shall be paid out of the moneys provided by Parliament sums which are required to be paid for any purpose in consequence of the making of this Order.

4. The Interpretation Act, 1889, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

5. This Order may be cited as the Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 1961, and shall come into operation on the thirtieth day of March, 1961, save that the extension of section seven of the Act of 1960 shall not come into operation until the first day of January, 1962.

W.G. AGNEW.

Jersey Order in Council 7/1961 Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 196

SCHEDULE

MODIFICATIONS AND ADAPTATIONS

1. Any reference to the Civil Aviation Act, 1949,¹ shall be construed as a reference to that Act as extended to the Channel Islands by the Civil Aviation Act (Channel Islands) Order, 1953 ;² any reference to the Air Corporations Act, 1949,³ shall be construed as a reference to that Act as extended to the Channel Islands by the Air Corporations Act (Channel Islands) Order, 1953 ;⁴ and any reference to the Act of 1960 shall be construed as a reference to that Act as extended to the Channel Islands by this Order.

2. In subsection (4) of section one, in paragraph (a) after the words “United Kingdom” there shall be inserted the words “or the Channel Islands”, and in paragraph (b) for the words “United Kingdom” there shall be substituted the words “Channel Islands”.

3. In subsection (1) of section four, after the words “United Kingdom” in the first place where they occur there shall be inserted the words “or the Channel Islands”.

4. In subsection (4) of section five, for the words from “shall be subject to annulment” to the end of the subsection there shall be substituted the following words: -

“shall not come into force in the Bailiwick of Jersey or the Bailiwick of Guernsey until it has been registered by the Royal Court of Jersey or the Royal Court of Guernsey, as the case may be”.

5. In section six –

- (a) in subsection (1), paragraph (a) shall be omitted and for the words “(b) on conviction on indictment” there shall be substituted the words “on conviction” ;
- (b) in subsection (2), for the words “United Kingdom” there shall be substituted the words “Channel Islands” and the words “and any person who is the holder of an aerodrome licence” and the word “summary” shall be omitted ;
- (c) in subsection (3), the word “summary” shall be omitted ;
- (d) in subsection (4), paragraph (a) shall be omitted and for the words “(b) on conviction on indictment” there shall be substituted the words “on conviction” ;
- (e) in subsection (5), the word “summary” shall be omitted ; and

¹ Tome 1951–1953, page 520.

² Tome 1951–1953, page 506.

³ Tome 1951–1953, page 589.

⁴ Tome 1951–1953, page 583.

Jersey Order in Council 7/1961 Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 196

- (f) in subsection (6), the words from “In this subsection” to the end of the subsection shall be omitted.

6. In section seven –

- (a) in subsection (1), after the word “prescribed” there shall be inserted the words “as respects the Bailiwick of Jersey by Act of the States of Jersey, and as respects the Bailiwick of Guernsey by Ordinance of the States of Guernsey”, and for the words “United Kingdom or the territorial waters thereof” there shall be substituted the words “Channel Islands” ; and
- (b) in subsection (2), the word “summary” shall be omitted.

7. In section nine –

- (a) in paragraph (a), the words “section four (which provides for the appointment of regional committees by the said Corporation)” shall be omitted, and for the words in the last brackets of the paragraph there shall be substituted the following words “(which relates to Orders in Council under section thirteen of the Civil Aviation Act, 1949)” ;
- (b) paragraphs (b) and (c) shall be omitted.

Jersey Order in Council 7/1961 Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 196



CHAPTER 38

An Act to prohibit certain flying except under a licence or other authority and to repeal section twenty-four of the Air Corporations Act, 1949 ; and for purposes connected with the matters aforesaid.

[2nd June, 1960].

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: -

Licensing of certain flying

ESTABLISHMENT OF LICENSING AUTHORITY, AND RESTRICTION OF UNLICENSED FLYING

1.-(1) There shall be established in accordance with the provisions of the Schedule to this Act an Air Transport Licensing Board (in this Act referred to as "the Board") with the general duty of exercising their functions under this Act in such a manner as to further the development of British civil aviation.

(2) No aircraft shall be used on any flight for reward or in connection with any trade or business except under and in accordance with the terms -

- (a) of such certificate, if any, (in this Act referred to as an "air operator's certificate") as any Order in Council for the time being in force under section eight of the Civil Aviation Act, 1949,⁵ may require the operator of the aircraft to hold for the purposes of such flights as that in question, being a certificate of his competence to secure that aircraft operated by him on such flights are operated safely ; and
- (b) subject to subsection (3) of this section, of a licence granted to the operator of the aircraft by the Board under section two of this Act (in this Act referred to as an "air service licence"), being a licence authorising the operator to operate aircraft on such flights as that in question.

(3) The Minister may by regulations provide that paragraph (b) of the last foregoing subsection shall not apply to flights of such descriptions as may be specified in the regulations, and may by instrument in writing exempt from the requirements of the said paragraph (b) any other particular flight or series of flights.

⁵

Tome 1951-1953, page 524.

Jersey Order in Council 7/1961 Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 196

- (4) This section shall apply to –
- (a) any flight in any part of the world by an aircraft registered in the United Kingdom ; and
 - (b) any flight beginning or ending in the United Kingdom by an aircraft registered in such other country or territory, if any, as may be prescribed.

AIR SERVICE LICENCES

2.-(1) Any application to the Board for the grant of an air service licence shall contain such particulars as may be prescribed ; and, subject to the provisions of this section and of any relevant regulations under section five of this Act, the Board may at their discretion, after consulting with such persons, if any, as may be prescribed, either refuse the application or grant the applicant an air service licence for any air transport service or other purpose specified in the licence (being a service or other purpose proposed in the application with such modifications, if any, as the Board may think fit) for such term and subject to such conditions, if any, of the prescribed descriptions as may be so specified.

(2) In exercising their functions under this section the Board shall consider in particular –

- (a) whether they are satisfied that, having regard in particular to his experience and financial resources and, subject to subsection (4) of this section, to his ability to provide satisfactory equipment, organisation and staffing arrangements, and having regard also to any contravention in respect of aircraft operated by him of the provisions of section one of this Act, the applicant is competent, and a fit and proper person, to operate aircraft for the purposes for which he seeks an air service licence ;
- (b) the provision made or proposed to be made against any liability in respect of loss or damage to persons or property which may be incurred in connection with aircraft operated by the applicant ;
- (c) any unfair advantage of the applicant over other operators by reason of the terms and conditions of employment of his servants ;
- (d) the existing or potential need or demand for any air transport service proposed ;
- (e) in the case of any air transport service proposed, the adequacy of any similar service authorised by any air service licence already granted and the tariff, if any, in respect of that similar service ;
- (f) the extent to which any air transport service proposed would be likely to result in wasteful duplication of, or in material diversion of traffic from, any air transport service which is being, or is about to be, provided under any air service licence already granted ;
- (g) any capital or other expenditure reasonably incurred, or any financial commitment or commercial agreement reasonably entered into, in

Jersey Order in Council 7/1961 Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 196

connection with the operation of aircraft on air transport services by any person (including the applicant) who is the holder of any air service licence already granted ;

- (h) any objections or representations made in accordance with any relevant regulations under section five of this Act.

(3) The Minister and the Board shall from time to time consult together with regard to relations with other countries or territories affecting the exercise of the Board's functions ; and if in the case of any application for an air service licence the Minister so directs in writing on the ground that any air transport service proposed in the application would in his opinion involve the negotiation with the government of some other country or territory of rights which it would be inexpedient for the time being to seek, the Board shall forthwith refuse that application so far as it relates to that service.

(4) For the purposes of paragraph (a) of subsection (2) of this section, the Board shall not consider the matters in respect of which an air operator's certificate is required, that is to say, the competence of the applicant to secure that aircraft operated by him will be operated safely.

(5) Every air service licence authorising an air transport service shall include a provision with respect to the tariff to be charged in respect of that service, being –

- (a) in the case of a service between terminal points one of which is in the United Kingdom and the other of which is in the United Kingdom, one of the Channel Islands or the Isle of Man, a provision setting out that tariff ;
- (b) in any other case, either a provision setting out that tariff or a provision specifying the manner in which that tariff is to be determined ;

and in a case falling within paragraph (b) of this subsection the licence shall be of no effect until the said provision has been confirmed by the Minister either without modification or with such modifications as he may think fit after consultation with such holders of air service licences and other persons as he may consider appropriate :

Provided that, in such cases or classes of cases as may be prescribed, this subsection shall have effect subject to such exceptions or modifications as may be prescribed in relation to the case or class of cases in question.

(6) The Minister may by order made by statutory instrument authorise the grant of an air service licence to any person specified in the order (being a person who provided air transport services before the date of the coming into force of subsection (2) of section one of this Act) in respect of any air transport service so specified for such term and subject to such conditions, if any, as may be so specified in relation to that service ; and, without prejudice to their powers under section three of this Act, the Board shall grant that licence forthwith without any application being made therefor :

Provided that the Minister shall not make any order under this subsection after the expiration of the period of three months beginning with the said date.

Jersey Order in Council 7/1961 Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 196

(7) Except with the consent of the Minister, which may be granted either generally or in respect of a particular case or class of cases, the Board shall not grant an air service licence to any person who is not either –

- (a) a citizen of the United Kingdom and Colonies, a citizen of the Federation of Rhodesia and Nyasaland, a citizen of the State of Singapore or a British protected person ; or
- (b) a body incorporated in the United Kingdom or in any part thereof, or in any of the Channel Islands, the Isle of Man, the said Federation, or a colony, protectorate or United Kingdom trust territory, being a body which in the opinion of the Board is substantially controlled by persons each of whom is either a citizen of the United Kingdom and Colonies, a citizen of the said Federation, a citizen of the said State or a British protected person.

(8) If, while an air service licence is in force and not later than the prescribed time before the expiry of the term for which it was granted, the holder thereof applies to the Board for the grant of a new air service licence in continuation thereof or in substitution therefor, then, without prejudice to the powers of the Board under section three of this Act, unless the application is withdrawn the first-mentioned licence shall not cease to be in force by reason of the expiry of the said term until the Board have given their determination on the application nor, if the application is refused or if any new licence granted differs in its terms from the first-mentioned licence, until –

- (a) the expiration of the period prescribed under section five of this Act for appealing against the Board's decision ; and
- (b) if an appeal is duly made within that period, the determination or abandonment of the appeal ; and
- (c) in the case of a successful appeal against a refusal of the application, the date of the coming into force of the new licence.

REVOCATION, SUSPENSION AND VARIATION OF LICENCES

3.-(1) Subject to any relevant regulations under section five of this Act, an application for the revocation, suspension or variation of an air service licence may be made to the Board at any time by any of the persons prescribed in pursuance of paragraph (b) of subsection (1) of that section.

(2) Whether or not any application or representation has been made to the Board for the purpose, if in the case of any person who is the holder of an air service licence the Board are at any time no longer satisfied as mentioned in paragraph (a) of subsection (2) of section two of this Act, they shall, as may appear to them appropriate in the circumstances, revoke, suspend or vary that licence.

(3) Without prejudice to the last foregoing subsection, if at any time the Board are satisfied, whether or not any application or representation has been made to them for the purpose, that it is right and proper so to do, they may revoke, suspend or vary any air service licence.

Jersey Order in Council 7/1961 Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 196

(4) Subsections (2) to (4) of section two of this Act shall have effect with the necessary modifications in relation to the Board's functions under the two last foregoing subsections as they have effect in relation to their functions under the said section two.

(5) If any air service licence is revoked, suspended or varied by the Board otherwise than on the application of the holder of the licence, the revocation, suspension or variation shall not take effect until the expiration of the period prescribed under section five of this Act for the making of an appeal against the Board's decision nor, if an appeal is duly made during that period, until the determination or abandonment of the appeal.

ADVISORY FUNCTIONS OF BOARD

4.-(1) It shall be the duty of the Board to consider any representation from any person relating to, or to facilities in connection with, air transport services by means of aircraft registered in the United Kingdom, or with respect to the tariff or other charges in respect of any such service or facilities :

Provided that the Board shall not be required by this subsection to consider any representation if in their opinion –

- (a) the representation is frivolous or vexatious ; or
- (b) the matters to which the representation relates have already been sufficiently considered by the Board ; or
- (c) the matters to which the representation relates are for the time being regulated by an international agreement to which Her Majesty's Government in the United Kingdom is a party.

(2) When the Board have considered any such representation as aforesaid, they shall report to the Minister upon their conclusions, and shall make such recommendations to the Minister in connection with those conclusions as they think expedient :

Provided that this subsection shall not apply to any representation made in connection with an application for the grant of an air service licence or for the purposes of the Board's functions under section three of this Act.

REGULATIONS

5.-(1) Without prejudice to any other power to make regulations conferred by this Act, the Minister shall by regulations make provision –

- (a) for requiring, except in such circumstances, if any, as may be specified in the regulations, publication of notice of the making of any application for the grant, revocation, suspension or variation of an air service licence and for the making of objections or representations with respect to any such application ;

Jersey Order in Council 7/1961 Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 196

- (b) as to the persons entitled to be heard by the Board at any meeting to consider the grant, revocation, suspension or variation of any such licence ;
 - (c) for conferring a right to appeal to the Minister from any decision of the Board with respect to any air service licence or any application for such a licence upon the holder of or applicant for the licence and upon such other persons, if any, as may be specified in the regulations, and generally as to such appeals, including in particular provision as to the time by which any such appeal must be made, the other persons, if any, to be made parties thereto, and the liability of any of the parties in respect of costs or expenses incurred in connection therewith ;
 - (d) for the making of representations to the Minister by the Government of the Isle of Man or by the States of Jersey or Guernsey as respects any such decision of the Board as is mentioned in the last foregoing paragraph, and for applying in relation to those representations, with such modifications as the Minister thinks fit, any provision relating to appeals contained in this Act or in any regulations made thereunder ;
 - (e) for requiring the payment to the Board in connection with air service licences or applications relating thereto of such fees determined in such manner as the regulations may with the approval of the Treasury provide.
- (2) Without prejudice as aforesaid, the Minister may by regulations make provision –
- (a) as to the form and manner in which any application, objection or representation shall be made to the Board ;
 - (b) with respect to the furnishing by persons making an application, objection or representation to the Board of information or documents relevant thereto ;
 - (c) as to the liability of any of the persons heard by virtue of paragraph (b) of subsection (1) of this section at any meeting of the Board in respect of costs or expenses incurred in connection with that hearing ;
 - (d) with respect to the provision by holders of air service licences or air operator's certificates of statistical or other information with respect to their operations to which the licence or certificate relates ;
 - (e) as to the circumstances, if any, in which an air service licence shall or may be transferred or treated as if granted to a person other than the person to whom it was granted ;
 - (f) with respect to the surrender for cancellation or variation of air service licences ;
 - (g) generally as to the procedure of the Board ;

Jersey Order in Council 7/1961 Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 196

- (h) for the setting up of regional advisory committees for the purpose of advising the Board on matters relating to their functions under this Act with particular regard to the circumstances and requirements of particular areas, and for the payment by the Minister of travelling or other expenses reasonably incurred by any person as a member of any such committee.

(3) Any power to make regulations conferred by this Act shall include power to make different provision for different circumstances and to make such incidental or supplementary provision as appears to the Minister necessary or expedient for giving effect to the purposes of this Act.

(4) Any power to make regulations conferred on the Minister by this Act shall be exercisable by statutory instrument, and any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

ENFORCEMENT OF LICENSING PROVISIONS

6.-(1) If an aircraft is used on any flight in contravention of subsection (2) of section one of this Act, the operator of the aircraft, and if any other person, whether by negotiating a contract or otherwise howsoever, made available facilities for travel or the consignment of goods on that flight knowing or having reasonable cause to suspect that the flight would be in contravention of the said subsection (2), that other person also, shall be guilty of an offence and be liable –

- (a) on summary conviction, to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment ;
- (b) on conviction on indictment, to a fine of such amount as the court may think fit, or to imprisonment for a term not exceeding two years, or to both such a fine and such imprisonment.

(2) For the purpose of securing compliance with the requirements of section one of this Act, the Minister or anyone acting under his authority may require any person who, in the United Kingdom, whether by providing an aircraft or negotiating a contract or otherwise howsoever, makes available, or offers, facilities for travel or the consignment of goods upon any journey by air, and any servant or agent of any such person, and any person who is the holder of an aerodrome licence, to provide the Minister with all such information or documents in his possession or control relating to the journey or proposed journey as may be specified in the requirement; and any person who wilfully fails to comply with any requirement under this subsection shall be guilty of an offence and be liable on summary conviction to a fine not exceeding one hundred pounds.

(3) If the holder of any air service licence or air operator's certificate fails without reasonable cause to comply with any requirement of any regulations with respect to the provision of information made by virtue of paragraph (d) of subsection (2) of section five of this Act, he shall in respect of each such failure be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds.

Jersey Order in Council 7/1961 Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 196

(4) If any person, in furnishing any information under this Act, furnishes any information which to his knowledge is false in any material particular or recklessly furnishes any information which is false in any material particular, he shall be guilty of an offence and be liable –

- (a) on summary conviction, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment ;
- (b) on conviction on indictment, to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding two years, or to both such a fine and such imprisonment.

(5) If any person fails without reasonable cause to comply with any requirement duly made of him under this Act to surrender an air service licence for cancellation or variation, he shall be guilty of an offence and be liable on summary conviction to a fine not exceeding fifty pounds.

(6) Where an offence under this section committed by a body corporate 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 be liable to be proceeded against and punished accordingly.

In this subsection, the expression “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

(7) Any offence under this section shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender may for the time being be.

Prohibition of aerial advertising

PROHIBITION OF AERIAL ADVERTISING AND PROPAGANDA

7.-(1) Save in such circumstances as may be prescribed, no aircraft while in the air over any part of the United Kingdom or the territorial waters thereof shall be used, whether wholly or partly, for emitting or displaying any advertisement or other communication in such a way that the advertisement or communication is audible or visible from the ground.

(2) Any person who uses an aircraft, or knowingly causes or permits an aircraft to be used, in contravention of the foregoing subsection shall be guilty of an offence and be liable on summary conviction –

- (a) in the case of a first conviction of an offence under this section, to a fine not exceeding one hundred pounds ;

Jersey Order in Council 7/1961 Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 196

- (b) in any other case, to a fine not exceeding two hundred pounds, or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment ;

and subsections (6) and (7) of section six of this Act shall apply to any offence under this subsection as they apply to any offence under that section.

General

EXPENSES OF, AND REPORTS BY, BOARD

8.-(1) The Minister shall provide the Board with such accommodation and equipment as appears to him to be necessary or expedient for the exercise of their functions and shall also provide from among his officers and servants such number of persons to act as officers or servants of the Board as he may from time to time with the approval of the Treasury think fit ; and any expenditure incurred by the Board with the approval of the Minister shall be defrayed by the Minister.

(2) The Board shall furnish the Minister with such accounts and other information relating to the discharge of their functions as he may from time to time require, and shall, as soon as may be after the end of each year, make a report to the Minister as to the exercise and performance of their functions under this Act in that year, which shall cover any particular matters on which the Minister has requested them to report ; and the Minister shall lay a copy of every such report before each House of Parliament.

(3) Any expenditure incurred by the Minister in consequence of the provisions of this Act shall be defrayed out of moneys provided by Parliament; and any fees received under this Act by the Board shall be paid by the Board to the Minister, who shall pay them into the Exchequer.

REPEAL OF CERTAIN ENACTMENTS

9. The following provisions are hereby repealed, that is to say –

- (a) in the Air Corporations Act, 1949,⁶ sections twenty-four (except subsection (2) thereof) and twenty-five (which relate to the reservation of certain air services to the British Overseas Airways Corporation, the British European Airways Corporation and their associates), section four (which provides for the appointment of regional committees by the said Corporation) and subsection (3) of section seven (which relates to one of the provisions repealed by the next following paragraph) ;
- (b) in the Civil Aviation Act, 1949,⁷ section twelve (which provides for the constitution and functions of the Air Transport Advisory Council) and section thirteen (which empowers Her Majesty to make provision for the licensing of air transport and commercial flying by Order in Council) ;

⁶

Tome 1951–1953, pages 591 and 592.

⁷

Tome 1951–1953, page 532.

Jersey Order in Council 7/1961 Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 196

- (c) the entries relating to the said Advisory Council in Part II of the First Schedule to the House of Commons Disqualification Act, 1957, and in the said Part II as substituted by the Third Schedule to that Act.

INTERPRETATION

10. In this Act, unless the context otherwise requires, the following expressions have the following meanings respectively, that is to say –

“aerodrome licence” means a licence granted in respect of an aerodrome by virtue of section eight of the Civil Aviation Act, 1949 ;⁸

“air operator’s certificate” has the meaning assigned by paragraph (a) of subsection (2) of section one of this Act ;

“air service licence” means a licence under section two of this Act ;

“air transport service” means the carriage of passengers or of mails or other cargo by air for reward ;

“the Board” means the Air Transport Licensing Board established in pursuance of subsection (I) of section one of this Act ;

“British protected person”, “colony”, “protectorate” and “United Kingdom trust territory” have the same meanings respectively as in the British Nationality Acts, 1948 and 1958 ;

“flight” means a journey by air beginning when the aircraft takes off and ending when the aircraft next alights thereafter ;

“the Minister” means the Minister of Aviation ;

“operator”, in relation to an aircraft, means the person for the time being having the business management of that aircraft, and cognate expressions shall be construed accordingly ;

“prescribed” means prescribed by the Minister by regulations under this Act ;

“reward”, in relation to any flight by an aircraft, includes any form of consideration received or to be received wholly or partly in respect of or in connection with that flight, irrespective of the person by or to whom the consideration has been or is to be given ;

“tariff”, in relation to any air transport service, means the fares or freight rates (including any charges for the carriage of mails) to be charged and any conditions upon which those fares or freight rates depend.

POWER TO EXTEND PROVISIONS OF ACT TO CERTAIN OVERSEAS TERRITORIES

⁸

Tome 1951–1953, page 524.

Jersey Order in Council 7/1961 Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 196

11.-(1) Her Majesty may by Order in Council direct that any of the provisions of this Act shall extend with such exceptions, modifications and adaptations, if any, as may be specified in the Order –

- (a) to any of the Channel Islands or to the Isle of Man ;
- (b) to any colony, protectorate or United Kingdom trust territory.

(2) An Order in Council made by virtue of paragraph (a) of the foregoing subsection may provide for the payment of sums out of moneys provided by Parliament for any purpose for which sums are required to be so paid in consequence of the exercise of the powers conferred by this section.

(3) Any Order in Council made under this section may be varied or revoked by a subsequent Order in Council so made.

(4) For the avoidance of doubt, it is hereby declared that, without prejudice to any provision of any Order in Council under this section extending paragraph (b) of section nine of this Act to any of the territories mentioned in subsection (1) of this section, the repeal by the said paragraph (b) of section thirteen of the Civil Aviation Act, 1949,⁹ shall not affect the operation of the said section thirteen as extended to any of those territories by an Order in Council made before the commencement of this Act under section sixty-six or sixty-seven of the said Act of 1949.

CITATION, COMMENCEMENT AND EXTENT

12.-(1) This Act may be cited as the Civil Aviation (Licensing) Act, 1960.

(2) This Act and the Civil Aviation Act, 1949, may be cited together as the Civil Aviation Acts, 1949 and 1960.

(3) This Act shall come into force on such day as the Minister may by order made by statutory instrument appoint, and different days may be appointed for different purposes of this Act.

(4) It is hereby declared that this Act extends to Northern Ireland.

⁹

Tome 1951–1953, page 532.

Jersey Order in Council 7/1961 Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 196

SCHEDULE

THE AIR TRANSPORT LICENSING BOARD

1. The Board shall consist of not less than six nor more than ten members appointed by the Minister, who shall also appoint two of those members to be chairman and deputy chairman respectively of the Board.

2. Subject to the provisions of this Schedule, the chairman, the deputy chairman and each of the other members of the Board shall hold and vacate his office in accordance with the terms of the instrument appointing him.

3. The Minister –

- (a) shall pay to any member of the Board such remuneration (whether by way of salary or fees) and such allowances as the Minister may with the approval of the Treasury determine ; and
- (b) in the case of any member of the Board with respect to whom the Minister may with the said approval determine, shall make such provision for the payment of a pension to or in respect of that member as he may so determine ;

and the Minister shall, as soon as possible after the establishment of the Board, lay before each House of Parliament a statement of the remuneration and allowances that are or will be payable under this paragraph to the members of the Board ; and if any subsequent determination made by him under this paragraph involves any departure from the terms of that statement or if a determination so made provides for the payment of a pension to or in respect of any member of the Board, the Minister shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.

4. In Part II of the First Schedule to the House of Commons Disqualification Act, 1957 (which specifies certain bodies all members of which are disqualified under that Act) and in the Part substituted for the said Part II by the Third Schedule to that Act in its application to the Senate and the House of Commons of Northern Ireland, after the entry relating to the Air Transport Advisory Council there shall be inserted the words “The Air Transport Licensing Board”.

5. If the Minister is satisfied that the chairman or deputy chairman of the Board is temporarily unable to discharge the functions of his office owing to illness or any other cause, he may appoint some other member of the Board to act for the time being in the place of the chairman or deputy chairman, as the case may be.

6. If the Minister is satisfied that a member of the Board –

- (a) has without the permission of the Board been absent from meetings of the Board for a continuous period exceeding six months ; or
- (b) has become bankrupt or made an arrangement with his creditors ; or

Jersey Order in Council 7/1961 Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 196

- (c) has by reason of illness or any other cause become unable or unfit to act as a member of the Board,

the Minister may, by giving notice in such manner as he thinks fit, declare that person's office as a member of the Board to have become vacant.

7. No person who for the time being has any interest, whether as a shareholder or otherwise, in the business of an operator of aircraft or of the holder of an aerodrome licence shall act as a member of the Board unless he has declared his interest to the Board and to the Minister ; and if the Minister is satisfied that, by reason of that interest or of any failure so to declare such an interest, it is right and proper so to do, the Minister may by giving notice in such manner as he thinks fit declare that person's office as a member of the Board to have become vacant.

8. The Board may act notwithstanding a vacancy in the membership thereof, and no act of the Board shall be invalidated by reason of any irregularity in the appointment of any member thereof or by reason of any person irregularly acting as a member thereof.