

PROJET DE LOI

ENTITLED

The Air Transport Licensing (Alderney) Law, 1996 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

© States of Alderney

* No. VII of 1996 (Ordres en Conseil Vol. XXXVI, p. 582); as amended by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997 (Ordinances of the States of Alderney Vol. 1, No. II of 1997); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Air Navigation (Air Transport Licensing Laws) (AOC Amendment) (Bailiwick of Guernsey) Regulations, 2017 (G.S.I. No. 36 of 2017). See also the Age of Majority (Alderney) Law, 2001 (No. XXV of 2001, Ordres en Conseil Vol. XLI, p. 738); the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009 (No. VII of 2010). This Law is prospectively amended by the Air Transport Licensing (Alderney) (Amendment) Law, 2009 (No. XI of 2009).

PROJET DE LOI

ENTITLED

The Air Transport Licensing (Alderney) Law, 1996

ARRANGEMENT OF SECTIONS

PART I REGULATION OF AIR TRANSPORT SERVICES

1. Requirement for Alderney air transport licence.
2. Flights to which this Law applies.
3. Carriage for reward by members of bodies.
4. Power to prevent unlicensed flights, etc.

PART II LICENSING PROCEDURE

5. Applications for licences.
6. Grant or refusal of licences.
7. Matters to be taken into account.
8. Conditions of licences.
9. Revocation, suspension, etc, of licences.
10. Notice of intention to refuse, revoke, etc, a licence.
11. Licences not transferable.
12. Licence fees.
13. Notice of decision to refuse, revoke, etc, a licence.
14. Appeals.
15. Publication of applications, etc.
16. Public representations.

PART III OFFENCES & PENALTIES

17. Offences in relation to unlicensed flights, etc.
18. False statements.
19. Offences by bodies corporate.
20. Penalties.
21. Jurisdiction.

PART IV

GENERAL PROVISIONS

- 22. Interpretation.
- 23. Power to make regulations.
- 24. General provisions as to subordinate legislation.
- 25. Service of documents.
- 26. Requirements of other legislation not affected.
- 27. Exclusion of liability of Committee.
- 28. Citation.
- 29. Commencement.

PROJET DE LOI

ENTITLED

The Air Transport Licensing (Alderney) Law, 1996

THE STATES OF ALDERNEY, in pursuance of their Resolution of the 6th day of March, 1996, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Alderney.

PART I

REGULATION OF AIR TRANSPORT SERVICES

Requirement for Alderney air transport licence.

1. No aircraft shall be used for the carriage for reward of passengers or cargo on a flight to which this Law applies unless –

- (a) the operator or charterer of the aircraft holds a licence (an "**Alderney air transport licence**") granted to him by the States [Policy and Finance] Committee ("**the Committee**") authorising him to operate aircraft on such flights as the flight in question, and
- (b) the terms and conditions of the licence are complied with so far as they relate to that flight and fall to be complied with before or during the flight.

NOTE

In section 1, the words in square brackets in paragraph (a) were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 1, Schedule 1, Part I, paragraph 15, with effect from 2nd April, 1997.

Flights to which this Law applies.

2. (1) This Law applies to any flight beginning or ending in Alderney by an aircraft wherever registered, other than –

- (a) a flight beginning or ending in a place outside the British Islands,
- (b) a flight of a class or description prescribed by regulations of the Committee, or
- (c) a particular flight or series of flights specified in an instrument of the Committee.

(2) An instrument made under subsection (1)(c) –

- (a) shall be signed by the Chairman or Vice-Chairman of the Committee or by a person authorised (whether by name, class or description) by the Committee in that behalf,
 - (b) shall, as soon as is reasonably practicable, be published in the Alderney Official Gazette,
 - (c) may be varied or revoked by a subsequent instrument so made.
-

NOTE

The following Regulations have been made under section 2:

Air Transport Licensing (Exemption of Air Taxi Services) (Alderney) Regulations, 2017.

Carriage for reward by members of bodies.

3. Where an aircraft is used for the carriage of passengers or cargo in pursuance of an arrangement made between a member of a body of persons (whether corporate or unincorporate) and the body or another member of it, then, if by reason of relationships arising from membership of the body the carriage is not (apart from this section) carriage for reward, it shall be treated for the purposes of this Law as carriage for reward.

Power to prevent unlicensed flights, etc.

4. (1) Where the Committee has reason to believe –
- (a) that an aircraft is intended to be used in contravention of section 1 on a particular flight beginning in Alderney, or
 - (b) that any term or condition of an Alderney air transport licence relating to such a flight and falling to be complied with at or after the end of the flight may not be complied with,

the Committee may –

- (i) give to the person appearing to it to be in command of the aircraft a direction that he shall not cause or permit the aircraft to take off until it has informed him that the direction is

cancelled,

- (ii) whether or not it has given such a direction, detain the aircraft until it is satisfied that the aircraft will not be used on the flight in contravention of section 1 or, as the case may be, that the term or condition will be complied with,

and a person who contravenes or who causes or permits any contravention of any provision of a direction given under this section shall be guilty of an offence.

(2) For the purposes of this section the Committee or any person authorised (whether by name, class or description) by it may –

- (a) enter upon and inspect any aircraft, and
- (b) take such steps or require the taking of such steps in relation to an aircraft as it or he considers to be necessary for the purpose of detaining the aircraft,

and a person who without reasonable excuse (proof whereof shall lie on him) –

- (i) obstructs or fails to give all reasonable assistance to a person acting or purporting to act in pursuance of the powers conferred by this section, or
- (ii) fails to comply with any requirement imposed under this section,

shall be guilty of an offence.

PART II
LICENSING PROCEDURE

Applications for licences.

5. (1) An operator or charterer of aircraft wishing to obtain the grant or renewal of an Alderney air transport licence shall apply in that behalf to the Committee.

(2) An application under subsection (1) –

(a) shall be made in such form and manner as the Committee may require, and

(b) shall be supported by such information and documentation, verified in such manner, as the Committee may require to enable it to determine the application.

(3) At any time after the receipt of an application under subsection (1), the Committee may require the applicant to furnish such additional information and documentation, verified in such manner, as the Committee may require to enable it to determine the application.

(4) The Committee may refuse to consider an application under subsection (1) in default of compliance by the applicant with any provision of, or with any requirement imposed under, subsection (2) or (3); and, notwithstanding the provisions of section 14, no appeal shall lie to the Court against a refusal on this ground.

Grant or refusal of licences.

6. (1) The Committee may, upon receipt of an application for the grant or renewal of an Alderney air transport licence, grant the application (conditionally or otherwise) or refuse it.

(2) An Alderney air transport licence may (but need not) specify the date upon which it will, subject to the provisions of section 9 as to the expiration, revocation and suspension of licences, cease to be valid.

(3) The Committee may refuse an application for the grant or renewal of an Alderney air transport licence if the application is received less than 6 months before the date upon which the licence is to come into operation; and, notwithstanding the provisions of section 14, no appeal shall lie to the Court against a refusal on this ground.

Matters to be taken into account.

7. (1) In considering whether or not to grant or renew an Alderney air transport licence, the Committee shall take into account the following matters –

- (a) the policy statement,
- (b) where any flight to which the application relates is to be between Alderney and a place in Jersey or Guernsey or is to be part of an air transport service which includes flights to a place in Jersey or Guernsey –
 - (i) the views in relation to the application of the Jersey Transport Authority and the Guernsey [Committee for Economic Development], and
 - (ii) whether or not the applicant holds licences or

permissions granted by them (being licences equivalent to an Alderney air transport licence),

- (c) where applicable, the terms and conditions of any such licence or permission as is mentioned in paragraph (b) or in subsection (2), and whether or not any such licence or permission has at any time been varied, suspended or revoked or has otherwise ceased to be valid,
- (d) any representations made to the Committee in accordance with the provisions of section 10 or 16 (subject always to the requirements of those sections),
- (e) whether or not all fees prescribed by Ordinance under section 12 and payable by the applicant have at all times been paid,
- (f) the terms and conditions of any Alderney air transport licence at any time held by the applicant and whether or not –
 - (i) any such licence has at any time been varied, suspended or revoked or has otherwise ceased to be valid,
 - (ii) the terms and conditions of any such licence have at all times been complied with,
- (g) whether or not the applicant or any of its officers, employees or agents has committed any offence under

this Law, the Civil Aviation Act 1982^a, the Air Navigation Order 1980^b, the Air Navigation Order 1995^c or any rules or regulations made under any of the foregoing,

- (h) such other matters as the Committee may consider relevant for the purposes of this Law or in relation to the provisions of the policy statement.

(2) Without prejudice to the generality of the foregoing, the Committee shall[–

- (a) before determining the application, obtain the opinion of the Director of Civil Aviation as to whether the applicant has the necessary aviation permissions, and
- (b) must refuse the application if, in the opinion of the Director of Civil Aviation, the applicant does not have the necessary aviation permissions for the flights to which the application relates, and, notwithstanding the provisions of section 14, no appeal shall lie to the Royal Court against a refusal on this ground.]

NOTES

In section 7,

^a An Act of Parliament (1982 c. 16); the Act was extended to the Bailiwick of Guernsey by United Kingdom S. I.s 1992/230 and 1992/806.

^b United Kingdom S. I. 1980/1965; extended to the Bailiwick of Guernsey by United Kingdom S. I. 1981/1805.

^c United Kingdom S. I. 1995/1038.

the words in square brackets in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 1(a), with effect from 1st May, 2016;¹

the words in square brackets in subsection (2) were substituted by the Air Navigation (Air Transport Licensing Laws) (AOC Amendment) (Bailiwick of Guernsey) Regulations, 2017, regulation 1(2), with effect from 10th July, 2017.

Conditions of licences.

8. (1) The Committee may, when granting or renewing an Alderney air transport licence or at any other time whatsoever, impose such terms and conditions in respect of the licence as it considers to be necessary or expedient.

(2) The Committee may at any time vary or rescind any term or condition imposed in respect of an Alderney air transport licence.

(3) In considering whether or not to impose, vary or rescind any term or condition in respect of an Alderney air transport licence, and in considering what any such term or condition is to be, the Committee may take into account any matter which it can lawfully take into account under section 7 when considering whether or not to grant such a licence.

Revocation, suspension, etc, of licences.

9. (1) An Alderney air transport licence –

(a) shall cease to be valid –

(i) upon the date (if any) specified in it in that regard,

(ii) if the Committee revokes it, or

- (iii) if any relevant [aviation permission] is revoked or otherwise ceases to be valid,
- (b) shall not be effective if the Committee suspends it or if any relevant [aviation permission] is suspended (in which cases the Alderney air transport licence shall be ineffective during the period of the suspension),

and for the purposes of this subsection a "**relevant**" [aviation permission] is one which relates to the flights authorised by the Alderney air transport licence in question.

(2) The Committee may revoke or suspend an Alderney air transport licence –

- (a) if any person has, in connection with the application in consequence of which the licence was granted or renewed, furnished the Committee with any statement, information or document which is false, deceptive or misleading in a material particular,
- (b) if any air transport service to which the licence relates –
 - (i) does not commence within a period of six months following the date of the grant or renewal of the licence, or
 - (ii) has not been carried on for a period of three consecutive calendar months,

- (c) if the holder of the licence ceases to conduct the business of providing air transport services,
- (d) if any term or condition of the licence is contravened,
- (e) if any such licence or permission as is mentioned in paragraph (b)(ii) of section 7(1) is varied, suspended or revoked or otherwise ceases to be valid,
- (f) if the holder –
 - (i) acts in a manner inconsistent with or prejudicial to the operation, in good faith and in accordance with the terms and conditions of the licence, of any air transport service to which the licence relates, or
 - (ii) engages in any unfair, restrictive or discriminatory practice contrary to the interests for the time being identified in the policy statement,
- (g) if any fee prescribed by Ordinance under section 12 and payable by the holder is not paid,
- (h) if the holder or any of its officers, employees or agents commits any offence under this Law, the Civil Aviation Act 1982, the Air Navigation Order 1980, the Air Navigation Order 1995 or any rules or regulations made under any of the foregoing,

- (i) with the holder's consent, or
- (j) in such other circumstances as may for the time being be specified in the policy statement.

(3) In considering whether or not to revoke or suspend an Alderney air transport licence, the Committee may take into account any matter which it can lawfully take into account under section 7 when considering whether or not to grant such a licence.

NOTE

In section 9, the words "aviation permission" in square brackets, wherever occurring, were substituted by the Air Navigation (Air Transport Licensing Laws) (AOC Amendment) (Bailiwick of Guernsey) Regulations, 2017, regulation 1(3), with effect from 10th July, 2017.

Notice of intention to refuse, revoke, etc, a licence.

- 10.** (1) Where the Committee proposes –
- (a) to refuse an application for the grant or renewal of an Alderney air transport licence,
 - (b) to impose, vary or rescind any term or condition in respect of such a licence, or
 - (c) to revoke or suspend such a licence,

notice of the proposed decision shall, in accordance with the following provisions of this section, be served on the applicant or, as the case may be, the holder.

- (2) The notice –

- (a) shall be signed by the Chairman or Vice-Chairman of the Committee or by a person authorised (whether by name, class or description) by the Committee in that behalf,
 - (b) shall give particulars of and the reasons for the proposed decision, and
 - (c) shall inform the person to whom it is addressed of his right to make written representations in relation to the proposed decision within a period of 14 days beginning on the date of the notice.
- (3) If written representations in relation to the proposed decision –
- (a) are received within the said 14 day period, the Committee shall not proceed to make the decision in question until it has considered the representations,
 - (b) are not received within the said 14 day period, the Committee may proceed forthwith to make the decision in question.
- (4) The Committee shall not be obliged to consider any representations received by it after the expiration of the said 14 day period.
- (5) The Committee shall not be obliged to serve a notice under this section of a proposed decision if the decision is one against which, under the provisions of this Law, no appeal lies to the Court.

Licences not transferable.

11. An Alderney air transport licence is personal to the holder and is not transferable.

Licence fees.

12. (1) The States may by Ordinance prescribe fees to be payable –

- (a) in respect of applications for the grant or renewal of Alderney air transport licences, and
- (b) from time to time, by the holders of such licences.

(2) The Committee may refuse an application for the grant or renewal of an Alderney air transport licence which is not accompanied by the prescribed fee; and, notwithstanding the provisions of section 14, no appeal shall lie to the Court against a refusal on this ground.

Notice of decision to refuse, revoke, etc, a licence.

13. (1) Where the Committee decides –

- (a) to refuse an application for the grant or renewal of an Alderney air transport licence,
- (b) to impose, vary or rescind any term or condition in respect of such a licence, or
- (c) to revoke or suspend such a licence,

notice of the decision shall, in accordance with the following provisions of this section, be served on the applicant or, as the case may be, the holder.

- (2) The notice –
- (a) shall be signed by the Chairman or Vice-Chairman of the Committee or by a person authorised (whether by name, class or description) by the Committee in that behalf,
 - (b) shall give particulars of and the reasons for the decision,
 - (c) shall give particulars of the right of appeal conferred by section 14 or, as the case may require, shall state that the case is one in which no right of appeal is conferred, and
 - (d) shall be served within a period of 7 days immediately following the date upon which the decision was made or as soon as reasonably practicable thereafter.

Appeals.

- 14.** (1) A person aggrieved by a decision of the Committee –
- (a) to refuse an application for the grant or renewal of an Alderney air transport licence,
 - (b) to impose, vary or rescind any term or condition in respect of such a licence, or
 - (c) to revoke or suspend such a licence,

may, within a period of 14 days immediately following the date of the notice required

to be served under section 13, appeal therefrom to the Court.

(2) The grounds of the appeal shall be that the decision was unreasonable or *ultra vires*.

(3) The appeal shall be instituted by way of summons served on the Chairman of the Committee.

(4) The summons shall set out the grounds and the material facts upon which the appellant relies.

(5) On an appeal under this section the appellant shall have the burden of proof and the final right of reply.

(6) On an appeal under this section the Court may –

(a) set the decision aside and, if the Court considers it appropriate to do so, remit the matter to the Committee with such directions as the Court thinks fit, or

(b) confirm the decision.

(7) No appeal shall lie from a decision of the Court under this section except on a question of law.

(8) Only the person who made the application or (as the case may be) the person who is the holder of the licence to which the decision in question relates may appeal under this section.

Publication of applications, etc.

15. (1) Details of the following matters shall, subject to the provisions

of section 16(3), as soon as is reasonably practicable, be published in the Alderney Official Gazette and submitted for publication in the Official Record of the Civil Aviation Authority –

- (a) any application for the grant or renewal of an Alderney air transport licence,
- (b) the refusal of any such application,
- (c) the grant or renewal of any such licence,
- (d) any proposal to revoke or suspend any such licence,
- (e) the revocation, invalidity or suspension of any such licence.

(2) The publication referred to in subsection (1) shall, where applicable, include a statement of the right set out in section 16 to make representations and of the period within which and the address to which the representations must be made.

Public representations.

16. (1) Any person may, within a period of 14 days beginning on the date of any such publication as is mentioned in paragraph (a) or (d) of section 15(1), submit written representations to the Committee in respect of the application or proposal in question.

(2) The Committee shall not be obliged to consider any representations received by it after the expiration of the said 14 day period.

(3) The Committee may, in its absolute discretion, decide that the

provisions of this section and of section 15 shall not apply in any particular case; and, where the Committee so decides, it shall not thereafter be obliged to consider any representations made to it in relation to that case.

PART III
OFFENCES & PENALTIES

Offences in relation to unlicensed flights, etc.

17. In any case where –

- (a) an aircraft is used on a flight in contravention of section 1, or
- (b) after an aircraft has been used in pursuance of an Alderney air transport licence on a flight to which this Law applies, any term or condition of the licence relating to the flight and falling to be complied with at or after the end of the flight by the operator or charterer of the aircraft is contravened,

then, if before the flight began the operator or, as the case may be, the charterer of the aircraft knew or ought to have known –

- (i) that the use of the aircraft on that flight was likely to be in contravention of section 1, or, as the case may be,
- (ii) that the term or condition in question was likely to be contravened,

he shall be guilty of an offence.

False statements.

18. A person who, in connection with an application for the grant or renewal of an Alderney air transport licence, or in making any representations to the Committee (whether under section 10 or 16 or otherwise) for the purposes of this Law, or in compliance or purported compliance with any requirement imposed by or under this Law, or otherwise for the purposes of this Law –

- (a) makes a statement which he knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular,
- (b) recklessly makes a statement, dishonestly or otherwise, which is false, deceptive or misleading in a material particular,
- (c) produces or furnishes or causes or permits to be produced or furnished any information or document which he knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular, or
- (d) recklessly produces or furnishes or recklessly causes or permits to be produced or furnished, dishonestly or otherwise, any information or document which is false, deceptive or misleading in a material particular,

shall be guilty of an offence.

Offences by bodies corporate.

19. (1) Where an offence under this Law is committed by a body

corporate and is proved to have been committed with the consent or connivance of, or to be attributable to or to have been facilitated by any neglect on the part of, any director, manager, member of any committee of management or other controlling authority, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of the offence and may be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies to a member in connection with his functions of management as if he were a director.

Penalties.

20. A person guilty of an offence under any provision of this Law shall be liable –

- (a) on summary conviction, to a fine not exceeding level 5 on the uniform scale,
- (b) on conviction on indictment, to a fine.

Jurisdiction.

21. Any offence under this Law shall, for the purposes of conferring jurisdiction, be deemed to have been committed in any place where the offender may for the time being be.

PART IV
GENERAL PROVISIONS

Interpretation.

22. (1) In this Law, unless the context requires otherwise –

"air transport service" means a service for the carriage by air of passengers or cargo,

"Alderney" means the Island of Alderney,

"Alderney air transport licence" has the meaning given by section 1(a),

[**"Aviation Laws"** means –

- (a) the Air Navigation (Bailiwick of Guernsey) Law, 2012,
- (b) the Aviation (Bailiwick of Guernsey) Law, 2008,
- (c) the Aviation Security Act 1982, and
- (d) any other enactment or statutory instrument prescribed for the purposes of this regulation by regulations of the Committee,]

[**"aviation permissions"** means the permissions necessary for the carriage of passengers for reward under –

- (a) the law of the State of Registry of the operator and,
- (b) the Aviation Laws of the Bailiwick,]

"British Islands" means the United Kingdom, Channel Islands and Isle of Man,

[...]

"cargo" includes mail,

"Committee" means the States [Policy and Finance] Committee or such other committee of the States as the States may by Ordinance appoint for the purposes of this Law,

"contravention" includes failure to comply, and cognate expressions shall be construed accordingly,

"Court" means the Court of Alderney,

[**"Director of Civil Aviation"** means the Director of Civil Aviation as defined in section 1 of the Aviation (Bailiwick of Guernsey) Law, 2008,]

"flight" means a journey by air beginning when the aircraft in question takes off and ending when it next lands,

"flight to which this Law applies" shall be construed in accordance with section 2,

"operator", in relation to an aircraft, means the person having the management thereof for the time being or, in relation to a particular time, at that time,

[...]

"policy statement" means the published policy in relation to the licensing of air transport services prepared by the States of Guernsey [Committee for Economic Development] and approved by the States of

Deliberation^f as from time to time amended or replaced (with or without modification) by Resolution of the States of Deliberation and as from time to time modified in relation to Alderney by Resolution of the States of Alderney,

"reward", in relation to a flight, includes any form of consideration received or to be received wholly or partly in connection with the flight irrespective of the person by whom or to whom the consideration has been or is to be given.

- (2) Any reference in this Law –
- (a) to an enactment or statutory instrument is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied,
 - (b) to the Jersey Transport Authority or the Guernsey [Committee for Economic Development] includes a reference to any other body which may for the time being be charged with the performance of the functions vested in that Authority or [Committee] at the date of the commencement of this Law.

NOTES

In section 22,

first, the definitions of the expressions "Aviation Laws", "aviation permissions" and "Director of Civil Aviation" were inserted and, second, the words omitted in square brackets immediately after the definitions of "British Islands" and "operator" were repealed by the Air Navigation (Air Transport Licensing Laws) (AOC Amendment) (Bailiwick of Guernsey) Regulations,

^f The current policy statement is set out on p. 1049 *et seq.* of States of Deliberation Billet d'État No. XVII of 1994.

2017, respectively regulation 1(4)(b) and regulation 1(4)(a), with effect from 10th July, 2017;

the words in square brackets in the definition of the expression "the Committee" in subsection (1) were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 1, Schedule 1, Part I, paragraph 15, with effect from 2nd April, 1997;

the words, first, "Committee for Economic Development" and, second, "Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 2, Schedule 1, paragraph 1(a) and section 5(1), Schedule 3, paragraph 2, with effect from 1st May, 2016.²

The functions of the Transport Committee under this Law were transferred to the Policy and Finance Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 1, Schedule 1, Part I, paragraph 15, with effect from 2nd April, 1997, subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.

The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Economic Development and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.³

Power to make regulations.

23. The Committee may by regulation make such provision as it may consider necessary or expedient for the implementation of this Law including, without prejudice to the generality of the foregoing, provision as to –

- (a) the procedures to be followed in relation to the making, consideration and determination of applications for the grant or renewal of Alderney air transport licences,
- (b) the information and documents to be furnished in connection with such applications,

- (c) the matters to be taken into account in the consideration of such applications,
- (d) the circumstances in which an Alderney air transport licence may be varied, revoked or suspended,
- (e) the making of representations, and the publication of matters, under and for the purposes of this Law,
- (f) the exercise of the Committee's functions under this Law in relation to the procedures described in paragraph (a) and in relation to Alderney air transport licences.

General provisions as to subordinate legislation.

24. (1) An Ordinance, regulation or order under this Law –
- (a) may contain such incidental, supplemental, savings, transitional and consequential provision (whether in relation to existing air transport services or otherwise) as may be considered necessary or expedient for the purposes of the implementation of this Law,
 - (b) may, to the extent necessary to give effect to its provisions, make consequential modifications to any provision of this Law, and
 - (c) may be varied or repealed by a subsequent Ordinance, regulation or order (as the case may be) hereunder.
- (2) Any power conferred by this Law to make an Ordinance,

regulation or order may be exercised –

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
- (b) so as to make, as respects the cases in relation to which it is exercised –
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases, or different provision for different cases or classes of cases or for different classes of companies, or different provision for the same case or class of case for different purposes,
 - (iii) any such provision either unconditionally or subject to any prescribed conditions.

(3) Any regulation under this Law shall be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul it, cease to have effect, but without prejudice to anything done under it or to the making of new regulations.

Service of documents.

25. (1) Any document to be given or served under or for the purposes of this Law may be given or served –

- (a) on an individual, by being delivered to him, or by being left at, or sent by post or transmitted to, his usual or last known place of abode,
- (b) on a body corporate with a registered office in the Bailiwick, by being left at, or sent by post or transmitted to, that office,
- (c) on a body corporate without a registered office in the Bailiwick, by being left at, or sent by post or transmitted to, its principal or last known principal place of business in the Bailiwick or, if there is no such place, its registered or principal office outside the Bailiwick,
- (d) on an unincorporated body, by being given to or served on any partner, member, manager or officer thereof in accordance with paragraph (a), or by being left at, or sent by post or transmitted to, the body's principal or last known principal place of business in the Bailiwick or, if there is no such place, its principal or last known principal place of business elsewhere,
- (e) on the Committee, by being left at, or sent by post or transmitted to, the principal office thereof in Alderney,

and in this section the expression "**by post**" means by registered post or recorded delivery service and the expression "**transmitted**" means transmitted by telex, facsimile transmission or any similar means which produces a document containing the text of the communication.

(2) If service of a document cannot, after reasonable enquiry, be effected in accordance with subsection (1), the document may be given or served by being –

- (a) published in the Alderney Official Gazette, or
- (b) if appropriate, affixed to some conspicuous part of the aircraft to which it relates.

(3) Subsections (1) and (2) are without prejudice to any other lawful method of service.

(4) Notwithstanding the provisions of this section and of any other rule of law in relation to the service of documents, no document to be given to or served on the Committee under or for the purposes of this Law shall be deemed to have been given or served until it is received.

(5) If a person upon whom a document is to be given or served under this Law is an infant or person under guardianship, the document shall be given to or served on his guardian; and if there is no guardian, an application may be made to the Court for the appointment of a person to act as guardian for the purposes of this Law.

(6) A document sent by post shall, unless the contrary is shown, be deemed for the purposes of this Law to have been received –

- (a) in the case of a document sent to an address in the British Islands, on the third day after the day of posting,
- (b) in the case of a document sent elsewhere by airmail, on

the seventh day after the day of posting,

excluding in each case any non-business day within the meaning of section 1(1) of the Bills of Exchange (Guernsey) Law, 1958, as amended^g.

NOTES

In accordance with the provisions of the Age of Majority (Alderney) Law, 2001, section 1(1), section 1(3) and section 3, with effect from 14th December, 2001 and subject to the transitional and savings provisions in section 1(5) of, and the Schedule to, the 2001 Law, the reference in this section to an "infant" shall be construed as a reference to a "minor", that is to say a person under the age of 18 years.

In accordance with the provisions of the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 2, with effect from 4th January, 2010, and having regard to the references in this section to "guardian", a guardian or person referred to as such has parental responsibility in respect of a child if the conditions in paragraph (a) or paragraph (b) of that section are satisfied.

Requirements of other legislation not affected.

26. The provisions of this Law are in addition to and not in derogation from the provisions of the Civil Aviation Act 1982, the Air Navigation Order 1980, the Air Navigation Order 1995, any rules or regulations made under any of the foregoing and any other enactment or statutory instrument relating to air transport services.

Exclusion of liability of Committee.

27. No liability shall be incurred by the States or the Committee, or by any member, officer or servant thereof, in respect of anything done or omitted to be done in the discharge or purported discharge of any of their functions conferred by or under this Law unless the thing is done or omitted to be done in bad faith.

^g Ordres en Conseil Vol. XVII, p. 384; Vol. XXIV, p. 84; and No. XI of 1993.

Citation.

28. This Law may be cited as the Air Transport Licensing (Alderney) Law, 1996.

Commencement.

29. This Law shall come into force on the day appointed by Ordinance of the States; and different days may be appointed for different provisions and for different purposes.

NOTE

The Law was brought into force on 1st February, 1997 by the Air Transport Licensing (Alderney) Law, 1996 (Commencement) Ordinance, 1997, section 1(1), save for Part I, brought into force on 1st June, 1997 by section 1(2) of the same Ordinance.

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 30, with effect from 6th May, 2004.

² These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 30, with effect from 6th May, 2004.

³ The functions, rights and liabilities of the Commerce and Employment Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Transport Board and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 30, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.