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STATUTORY INSTRUMENTS

2001 No. 3367

CIVIL AVIATION

The Civil Aviation Act 1982 (Overseas Territories) (No. 2) Order 2001

Made 9th October 2001

Coming into force 10th October 2001

At the Court at Buckingham Palace, the 9th day of October 2001

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 108 of the Civil Aviation Act 1982^(a) and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1. This Order may be cited as the Civil Aviation Act 1982 (Overseas Territories) (No.2) Order 2001 and shall come into force on 10th October 2001.

Extension of section 76(4) of the Civil Aviation Act 1982

2. Section 76(4) of the Civil Aviation Act 1982, modified as in Schedule 1 to this Order, shall extend to the Territories specified in Schedule 2.

Clerk of the Privy Council

^(a) 1982 c. 16.

Civil Aviation Act 1982

Section 76. - (4) Where an aircraft has been bona fide demised, let or hired out for any period exceeding fourteen days to any other person by the owner thereof, and no pilot, commander, navigator or operative member of the crew of the aircraft is in the employment of the owner, section 40(2) of the Civil Aviation Act 1949^(b) (as extended by the Civil Aviation Act 1949 (Overseas Territories) Order 1969^(c) to any of the Territories specified in Schedule 2 to this Order) shall have effect as if for references to the owner of the aircraft there were substituted references to the person to whom the aircraft has been so demised, let or hired out.

Territories to which this Order applies

Anguilla
Bermuda
British Antarctic Territory
British Indian Ocean Territory
Cayman Islands
Falkland Islands
Gibraltar
Montserrat
Pitcairn, Henderson, Ducie and Oeno Islands
St Helena and Dependencies
South Georgia and the South Sandwich Islands
The Sovereign Base Areas of Akrotiri and Dhekelia
Turks and Caicos Islands
Virgin Islands

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends, with modifications, section 76(4) of the Civil Aviation Act 1982 to the Territories listed in Schedule 2 to the Order. The liability of the owner under section 40(2) of the Civil Aviation Act 1949, as extended to those Territories, for loss or damage caused by an aircraft in flight or by a person in, or an article, animal or person falling from such an aircraft, is transferred to the person to whom the owner has demised, let or hired out the aircraft if the demise, let or hire is for a period of more than 14 days and no crew member is employed by the owner.

^(b) 1949 c.67.

^(c) S.I. 1969/592.