

**Jersey Law 11/1955**

**CIVIL AVIATION (SUPPLEMENTARY PROVISIONS) (JERSEY)  
LAW, 1955.**

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**A LAW** to provide for the purchase of, and the exercise of control over, land in the interests of civil aviation, for the indication of the presence of obstructions to flying, and for matters incidental thereto, sanctioned by Order of Her Majesty in Council of the

**29th day of JULY, 1955.**

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*(Registered on the 20th day of August, 1955).*

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**STATES OF JERSEY.**

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The 17th day of May, 1955.

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**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law: -

ARTICLE 1

**INTERPRETATION**

(1) In this Law, except where the context otherwise requires –

“the Committee” means the Harbours and Airport Committee ;

“the Court” means the Inferior Number of the Royal Court ;

“land” includes any estate or other interest in land and any servitude ;

“owner” includes a usufructuary and the husband of a *feme covert* ;

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“purposes of civil aviation” includes all purposes connected with air navigation except purposes of defence of the realm by air.

(2) Any reference in this Law to the carrying out of works on land shall be construed as including a reference to the making of excavations on the land or to the carrying out of levelling operations on the land, and references to the maintenance of works or to interference with works shall be construed accordingly.

(3) Any power conferred by this Law shall be in addition to and not in derogation of any other power conferred by or under any other enactment.

(4) References in this Law to any enactment shall be construed as references to that enactment as amended by or under any other enactment.

## ARTICLE 2

### **COMPULSORY PURCHASE OF LAND FOR CIVIL AVIATION PURPOSES**

Where it appears to the States that any land should be acquired by the public of the Island for purposes of civil aviation, it shall be lawful for the States to acquire such land by compulsory purchase on behalf of the public in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law, 1953,<sup>1</sup> and, in relation to the acquisition of any land as aforesaid, the Committee shall be the acquiring authority within the meaning of the said Law.

<sup>1</sup> Tome 1951–1953, page 713.

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ARTICLE 3

**POWER TO EXERCISE CONTROL OVER LAND IN THE  
INTERESTS OF CIVIL AVIATION.**

(1) The Committee may if satisfied that it is necessary so to do in order to secure the safe and efficient use for civil aviation purposes of any land, structures works or apparatus under the administration of the Committee, give directions –

- (a) for restricting the height of trees upon any land, or for requiring any tree upon any land to be cut down or reduced in height ;
- (b) for restricting the installation of cables, mains, pipes, wires or other apparatus upon, across, under or over any land ;
- (c) for extinguishing, at the expiration of such period as may be determined by the directions, any subsisting right of installing or maintaining any such apparatus as aforesaid upon, across, under or over any land ;
- (d) for requiring that, before the expiration of such period as may be determined by the directions, any such apparatus shall be removed from any land.

(2) For the purpose of giving effect to any directions under this Article, the Committee may authorize any person to remove, pull down, cut down, or alter so as to bring into conformity with the requirements of the directions, any tree or apparatus which contravenes those requirements, and to enter upon any land for that purpose ;

Provided that a person proposing to exercise a power of entry conferred under this Article –

- (a) shall, if so required, produce written evidence of his authority ;

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(b) except in a case of emergency, shall not enter upon any land which is for the time being occupied unless, not less than seven days before the day on which entry is made, notice of the intended entry, specifying the purpose for which entry will be made, has been served on the occupier of the land.

(3) The Committee may, during the period in which any works necessary to give effect to any directions under this Article are being carried out, place upon, under or over any land any machinery or apparatus required for carrying out such works and if, during the said period, it appears to the Committee to be necessary so to do either for the purpose of ensuring the proper and speedy carrying out of any such works or for taking precautions against personal injury, it may prohibit or restrict all or any persons from using such land.

(4) Every person who wilfully obstructs a person in the exercise of his powers under paragraph (2) of this Article or who uses any land in contravention of any prohibition or restriction under paragraph (3) of this Article shall be liable to a fine not exceeding fifty pounds sterling.

(5) The provisions of the First Schedule to this Law shall have effect with respect to directions given under this Article.

#### ARTICLE 4

#### **INDICATION OF PRESENCE OF OBSTRUCTIONS TO FLYING**

(1) If the Committee is satisfied, with respect to any building, structure or erection, that in order to avoid danger to aircraft flying in darkness or conditions of poor visibility, provision ought to be made (whether by lighting or otherwise) for giving to such aircraft warning of the presence of that building, structure or erection, the Committee may –

(a) cause to be executed, installed, maintained, operated and, as occasion requires, repaired and altered, such works and

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apparatus as may be necessary for enabling such warning to be given in such manner as the Committee may determine ; and

- (b) so far as may be necessary for exercising any of the powers aforesaid, authorize any person, with or without vehicles, to enter upon and pass over any land.

(2) No works shall be executed on any land in pursuance of this Article unless, at least fourteen days previously, the Committee has served on the occupier of that land, and on every other person known by the Committee to have an interest therein, a written notice containing particulars of the nature of the proposed works and the manner in which and the time at which it is proposed to execute them.

(3) The Committee shall pay to any person having an interest in any land, such compensation for any loss or damage which that person may suffer, or for any expenses which that person may reasonably incur, in consequence of the exercise by the Committee of its powers under this Article as may, in default of agreement, be determined from time to time by arbitration.

(4) The ownership of anything shall not be taken to be affected by reason only that it is placed in, or affixed to, any land in pursuance of this Article ; and (subject to the provisions of paragraph (6) of this Article) no person shall, except with the consent of the Committee, wilfully interfere with any works or things which, to the knowledge of that person, are works or things executed or placed in, on or over any land in pursuance of this Article.

(5) If any person contravenes the provisions of paragraph (4) of this Article, he shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds sterling or to both such imprisonment and such fine ; and every person who wilfully obstructs a person in the exercise of his powers under this Article shall be liable to a fine not exceeding fifty pounds sterling.

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(6) Nothing in this Article shall operate, in relation to any building, structure or erection, so as to restrict the doing of any work for the purpose of repairing, altering, demolishing or removing the building, structure or erection on condition that –

- (a) notice of the doing of that work is given as soon as may be to the Committee ; and
- (b) the giving of warning of the presence of the building, structure or erection in the manner determined by the Committee is not interrupted.

## ARTICLE 5

### NOTICES

(1) Any notice required to be served on any person for the purposes of this Law may be served on him either by delivering it to him, or by leaving it at his proper address, or by post, so however that the notice shall not be duly served by post unless it is sent by registered letter.

(2) Any such notice required to be served on an incorporated company or body shall be duly served if it is served on the secretary or clerk of the company or body.

(3) For the purposes of this Article, the proper address of any person on whom any such notice as aforesaid is to be served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person to be served :

Provided that where the person to be served has furnished an address for service, his proper address for the purposes aforesaid shall be the address furnished.

(4) If it is not practicable after reasonable inquiry to ascertain the name or address of any owner, lessee or occupier of land on

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whom any such notice as aforesaid is to be served, the notice may be served by addressing it to him by the description of “owner”, “lessee” or “occupier” of the land (describing it) to which the notice relates, and by delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

ARTICLE 6

**EXPENSES**

Any expenses incurred by the Committee in the administration of this Law shall be defrayed out of the General Revenues of the States.

ARTICLE 7

**REPEAL**

The Laws mentioned in the Second Schedule to this Law are hereby repealed, but without prejudice to anything done or suffered thereunder, or to any right, privilege, obligation or liability acquired, accrued or incurred thereunder.

ARTICLE 8

**SHORT TITLE**

This Law may be cited as the Civil Aviation (Supplementary Provisions) (Jersey) Law, 1955.



*FIRST SCHEDULE*

**PROVISIONS RELATING TO DIRECTIONS UNDER ARTICLE 3**

*PART I*

**NOTICE OF DIRECTION**

1. Immediately after the direction has been given, the Committee shall serve notice of the direction –

- (a) in the case of any direction, upon every owner, lessee and occupier of the land to which the direction relates ;
- (b) in the case of a direction restricting the installation of apparatus or extinguishing rights to instal or maintain apparatus, upon every person whose rights to instal or maintain apparatus are affected by the direction ; and
- (c) in the case of a direction requiring the removal of any apparatus, upon the person entitled to maintain the apparatus required to be removed under the direction.

Any notice given with respect to any direction for the purpose of complying with the requirements of this paragraph shall state the effect of the direction.

2. If any person aggrieved by the direction desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of the Committee or that any requirement of this Law has not been complied with in relation to the direction or that the direction is unreasonable having regard to all the circumstances of the case, he may, within six weeks from the time when the direction is served upon him in accordance with the requirements of this Schedule, make an application to the Court ; and on any such application the Court –

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- (a) may by interim order suspend the operation of the direction or of any provision contained therein, either generally or in so far as it affects the applicant, until the final determination of the proceedings ; and
- (b) if satisfied that the direction or any provision contained therein is not within the powers of the Committee, or that the interests of the applicant have been substantially prejudiced by any requirement of this Law not having been complied with or that the direction is unreasonable having regard to all the circumstances of the case, may quash the direction or any provision contained therein, either generally or in so far as it affects the applicant.

*PART II*

COMPENSATION

3. Any person having an interest in land the value of which is diminished in consequence of the giving of the direction shall be entitled to recover compensation from the Committee for the diminution.

4. Any person who sustains damage by being disturbed in the enjoyment of any right in or over land in consequence of the giving of the direction (not being damage which consists of the diminution in the value of an interest in land) shall be entitled to recover compensation from the Committee in respect of that damage.

5. The Committee shall pay compensation in respect of any expenditure reasonably incurred by any person for the purpose of carrying out work which is required to be carried out by the direction.

6. The compensation payable to any person by virtue of the foregoing provisions of this Schedule shall be reduced by the value to him of any timber, apparatus or other materials removed for the purposes of complying with the direction.

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7. For the purpose of assessing compensation under this Schedule, in so far as it is payable in respect of the diminution in the value of an interest in land, Article 9 of the Compulsory Purchase of Land (Procedure) (Jersey) Law, 1953,<sup>2</sup> shall, so far as it is applicable and subject to any necessary modifications, have effect as it has effect for the purpose of assessing compensation for the compulsory acquisition of land.

8. Where any dispute arises as to whether compensation is payable under this Schedule, or as to the amount of any such compensation, or as to the persons to whom it is payable, the dispute shall be determined by arbitration.

*PART III*

MISCELLANEOUS

9. Subject as hereinafter provided, the Committee shall as soon as may be after the direction has been given, make application to the Court for an order that the direction be registered in the Public Registry of Contracts :

Provided that the application shall not be made before the expiration of six weeks from the time when the direction is served in accordance with the requirements of this Schedule, or, where an application has been made to the Court under paragraph 2 of this Schedule, until after the final determination of the proceedings.

10. Where, for any reason, the direction ceases to have effect, any person having an interest in the land to which the direction relates may apply to the Court for an order that the registration thereof in the Public Registry of Contracts be annulled, and the Court, on being satisfied that the direction has ceased to have effect, shall make such an order.

<sup>2</sup> Tome 1951–1953, page 718.

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11.      Subject to the provisions of paragraphs 2 and 10 of this Schedule, the direction shall not, either before or after it has been given, be questioned in any legal proceedings whatsoever.

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*SECOND SCHEDULE*

**(Article 7)**

**ENACTMENTS REPEALED**

1. “Loi relative à l’établissement d’un port aérien”, confirmed by Order of His Majesty in Council of the 14th May, 1934.<sup>3</sup>

2. “Amendement à la Loi (1934) relative à l’établissement d’un port aérien”, confirmed by Order of His Majesty in Council of the 6th June, 1935.<sup>4</sup>

3. “Amendement (No. 2) à la Loi (1934) relative à l’établissement d’un port aérien”, confirmed by Order of His Majesty in Council of the 24th March, 1936.<sup>5</sup>

4. “Amendement (No. 3) à la Loi (1934) relative à l’établissement d’un port aérien”, confirmed by Order of His Majesty in Council of the 23rd June, 1938.<sup>6</sup>

To be printed, published and posted.

**F. DE L. BOIS,**

*Greffier of the States.*

<sup>3</sup> Tome 1933–1936, page 163.

<sup>4</sup> Tome 1933–1936, page 265.

<sup>5</sup> Tome 1933–1936, page 507.

<sup>6</sup> Tome 1937–1938, page 543.