



ST. HELENA

**(Chapter No. not allocated yet)**

## **AIRPORT DEVELOPMENT ORDINANCE**

### **Non-authoritative Consolidated Text**

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email [pa.lawofficers@legallandlands.gov.sh](mailto:pa.lawofficers@legallandlands.gov.sh)]<sup>1</sup>

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

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<sup>1</sup> These contact details may change during 2011 or early in 2012. In case of difficulty, email [shgwebsite@sainthelena.gov.sh](mailto:shgwebsite@sainthelena.gov.sh) or telephone (+290) 2470.

**AIRPORT DEVELOPMENT ORDINANCE**

(Ordinances 3 of 2006, 11 of 2007 and 2 of 2008)

AN ORDINANCE TO FACILITATE THE DESIGN, CONSTRUCTION AND OPERATION OF AN AIRPORT IN ST. HELENA, AND FOR PURPOSES CONNECTED THEREWITH OR INCIDENTAL THERETO.

**Commencement**

[1 March 2006]

**PART I**  
Preliminary**Short title and commencement**

1. This Ordinance may be cited as the Airport Development Ordinance 2006 and shall come into force on such day as the Governor may appoint by notice in the *Gazette*.

**Interpretation**

2.<sup>2</sup> (1) In this Ordinance, unless the context otherwise requires—

“**airport**” means any area of land designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and services and facilities for use in connection with the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically;

“**Airport Development Area**” means any area designated as such in accordance with section 4;

“**Airport Development Order**” means an Order made under section 4;

“**development**” means the carrying out of a building, engineering, or other physical operation in, on, over or under any land that has been designated to be an Airport Development Area;

“**infrastructure**”, in the definition of ‘project’, has its ordinary English meaning but (for the avoidance of doubt) does not include anything in the nature of a shop, restaurant, bar, hotel, or similar facility;

“**project**” means the design, construction and operation of an airport and associated services and infrastructure in St. Helena;

“**services**”, in the definition of ‘project’, means services provided in or adjacent to the airport for facilitating the handling of passengers and freight or for the comfort or convenience of employees, passengers and other visitors, and includes (without prejudice to the generality) shops, restaurants, bars, and car parks.

(2) For the avoidance of doubt, the ‘project’ includes the construction of a jetty in Ruperts Bay and a new Bulk Fuel Store in Ruperts Valley, and the ‘associated infrastructure’ (without prejudice to its generality) includes the construction of new roads.

(3) References in this Ordinance to ‘land’ include land covered by water.

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<sup>2</sup> Section 2 amended by Ord. 11 of 2007

### Contractual arrangements

3. The Governor in Council may enter into a contract, or a series of contracts, for the purpose of facilitating the project.

## PART II Airport Development

### Designation of land for Airport Development

4. The Governor in Council may, subject to the provisions of section 5, by Order published in the *Gazette*, designate any land in St. Helena to be an Airport Development Area.

### Airport Development Orders

5. (1) An Order under section 4 shall not be made unless, at least 28 days before the Order is made—

- (a) notice has been published in the *Gazette*, and in such newspapers as are from time to time in circulation in St. Helena, stating that the Governor in Council proposes to make the Order and inviting objections or representations as to the making of the Order;
- (b) notice has been served on any person who is the proprietor of any registered interest in any land proposed to be included in the Order that is not Crown land;
- (c) the advice of the Agriculture and Natural Resources Committee has been requested if any land proposed to be included in the Order has been designated as a forest under the provisions of the Forestry Ordinance Cap. 92;
- (d) the advice of the Environmental Coordinator has been requested with regard to any environmental matters affecting, or that may affect, the land that is proposed to be included in the Order;
- (e) the advice of the Public Health and Social Services Committee has been requested as to the social impact of the proposed order;

and the Governor in Council is, after considering any advice, objections or representations received, satisfied that—

- (i) it is desirable to do so for the purpose of facilitating the project; and
- (ii) the registered proprietor of (and of every registered interest in) any private land included in the Order has consented to the making of the Order.

(2) At any time after the expiry of the 28 day period mentioned in subsection (1), the Governor in Council may proceed with the making of the Order notwithstanding that any advice requested under that subsection has not been received.

(3) An Airport Development Order shall not affect existing ownership or interests in any land.

(4) An Airport Development Order may contain provisions for—

- (a) regulating access to all or any part of the Airport Development Area which is Crown land, either generally or in relation to specified persons or classes of persons;
- (b) subject to subsection (3), regulating the activities of persons within an Airport Development Area.

(5) A person commits an offence if he contravenes or attempts to contravene any of the provisions of an Order made under this section.

(6) A person guilty of an offence under subsection (5) is liable to a fine not exceeding £5,000.

### PART III

#### Modification of Existing Laws

#### References to consent of Governor in Council

6. In this Part, references to anything done with the consent of the Governor in Council shall include anything authorised to be done—

- (a) by an Airport Development Order; or
- (b) in a contract entered into in accordance with section 3; or
- (c) by decision of the Governor in Council, if certified under the hand of the Clerk of Councils; or
- (d) by a public officer authorised in that behalf by the Governor in Council either in terms of section 6(a) or 6(c).

#### Compliance with local legislation

7. (1) Nothing done in an Airport Development Area with the consent of the Governor in Council shall be held to be in contravention of—

- (a) The Electricity Ordinance Cap. 107.
- (b) The Health and Safety Ordinance Cap. 54.
- (c) The Telecommunications Ordinance Cap. 106.
- (d) The Highways Ordinance Cap. 102.
- (e) The Road Traffic Ordinance Cap. 101.
- (f) The Water Ordinance Cap. 55.
- (g) The Forestry Ordinance, Cap 92;

Provided that the Governor in Council shall not consent to any act or omission which (but for that consent) would be contrary to any of the said Ordinances unless he is satisfied—

- (i) that it is desirable to do so in order to avoid delay or additional cost in the project; and
- (ii) that the giving of consent is not against the public interest

(2) Any consent given in accordance with subsection (1) may be subject to such conditions as the Governor in Council may deem appropriate.

(3) Anything done in breach of conditions imposed under subsection (2) will be treated as a contravention of the relevant legislation set out in subsection (1).

#### Land Planning and Development Control Ordinance

8.<sup>3</sup> (1) Nothing done in an Airport Development Area with the consent of the Governor in Council shall be held to be in contravention of the Land Planning and Development Control Ordinance, Cap. 66, (or any statutory amendment or re-enactment thereof):

Provided that the Governor in Council shall consult the Land Planning and Development

<sup>3</sup> Section 8 substituted by Ord. 2 of 2008

Control Board (in this section, called ‘the Board’) before consenting to any matter which, apart from this subsection, would normally require the approval of the Board.

(2) At any time after the expiry of 28 days from the date on which the Board was consulted under the proviso to subsection (1), the Governor in Council may proceed with the granting of permission notwithstanding that the comments of the Board have not been received.

### **Petroleum and Explosives**

9. Nothing that is contained in any Ordinance, enacted before this Ordinance (or any subsidiary legislation made under the provisions of such an Ordinance), shall render unlawful anything done with the consent of the Governor in Council for the purposes of the project with regard to the importation, transportation, storage or use of petroleum or explosives.

### **Immigrants Landholding (Restriction) Ordinance**

10.<sup>4</sup> Notwithstanding anything contained in the Immigrants Landholding (Restriction) Ordinance Cap. 68<sup>5</sup>, a contract made under section 3 may authorise a party to the contract who is not an Islander to have the occupation and use of land within an Airport Development Area, for the duration of the contract.

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<sup>4</sup> Section 10 amended by Ord. 11 of 2007

<sup>5</sup> Cap 68 repealed and replaced by Ord. 9 of 2008

## AIRPORT DEVELOPMENT AREAS ORDER

*(Legal Notices 14 of 2008, 21 of 2011 and 5 of 2012)*

### Citation

1. This Order may be cited as the Airport Development Areas Order, 2008.

### Airport Development Areas

2. The parcels of land and other areas described in the Schedule are designated as Airport Development Areas.

### Restriction of access to designated areas

3. (1) The Head of the Project Management Unit may, with the approval of the Governor in Council, restrict access to any land or area which has been designated as an Airport Development Area under paragraph 2, and such an area is hereinafter referred to as a “restricted area”.

(2) Notice of any restriction under subparagraph (1) may be given in such manner as the Head of the Project Management Unit deems appropriate, including by fencing off the restricted area, but must include displaying suitable notices around the perimeter of each restricted area indicating the nature of the restriction.

(3) No person whose entry is forbidden in a restricted area in accordance with subparagraphs (1) and (2) shall enter such restricted area.

## SCHEDULE<sup>6</sup>

Area No.	Description of area
1.	<b>Deadwood:</b> Parcels Nos. 41, 94, 100, 101 and 143
2.	<b>Longwood North:</b> Parcels Nos. 254, 269, 273, 313, 369, 370, 383 and 391
3.	<b>Longwood South:</b> Parcels Nos. 36, 37, 38, 123 and 456
4.	<b>Prosperous Bay:</b> Parcels Nos. 4, 10, 13, 14 and 15
5.	<b>Rupert’s Valley:</b> Parcels Nos. 25, 31, 32, 33, 35, 36, 46, 47, 54, 57, 63, 65 and 79
6.	<b>Rupert’s Bay:</b> The water covered area of Rupert’s Bay within a radius of 500 meters from the point where the boundary between parcels 31 and 65 touches the waterline
7.	<b>Silver Hill:</b> Parcels Nos. 35, 36, 37, 329, 341, 348, 380, 381
8.	<b>The Barn:</b> Parcel No. 1

<sup>6</sup> Schedule amended by L.N. 21 of 2011 and L.N. 5 of 2012

9.	<b>White Hill:</b> Parcels Nos. 1, 3 and 4
10.	<b>Jamestown:</b> Block 17, Parcel 74

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