

PART III
—cont.

posted so as to be readily seen and read by members of the public, in such positions on or near the boundary of the aerodrome as appear to the court to be proper.

(2) Part VI of this Act applies to this section.

**Expenses of
Part III.**

39.—(1) Any expenses incurred by the Minister of Transport⁶ or the Ministry of Commerce for Northern Ireland in consequence of the passing of this Part of this Act shall, to such extent as the Treasury may direct, be defrayed by the Minister of Civil Aviation or by the Minister of Supply.

(2) Any expenses incurred by the Minister of Supply by reason of any such direction as aforesaid shall be defrayed out of moneys provided by Parliament.

(3) Except in so far as any expenses incurred by the Minister of Transport in consequence of the passing of this Part of this Act fall, by virtue of any such direction as aforesaid, to be defrayed by the Minister of Civil Aviation or the Minister of Supply, or fall to be defrayed out of the Road Fund under any other Act, they shall be defrayed out of moneys provided by Parliament.⁷

(4) There shall be defrayed out of moneys provided by Parliament any such increase in the sums payable into the Road Fund out of moneys so provided as is attributable to the passing of this Part of this Act.⁷

(5) Any expenses incurred by the Minister, the Minister of Health or the Secretary of State in consequence of the passing of this Part of this Act shall be defrayed out of moneys provided by Parliament.

PART IV

LIABILITY FOR DAMAGE, ETC., CAUSED BY AIRCRAFT

**Liability of
aircraft in
respect of
trespass,
nuisance and
surface
damage.**

40.—(1) No action shall lie in respect of trespass or in respect of nuisance, by reason only of the flight of an aircraft over any property at a height above the ground, which, having regard to wind, weather and all the circumstances of the case is reasonable, or the ordinary incidents of such flight so long as the provisions of Part II and this Part of this Act and any Order in Council or order made under Part II or this Part of this Act are duly complied with.

(2) Where material loss or damage is caused to any person or property on land or water by, or by a person in, or an article or person falling from, an aircraft while in flight, taking off or

⁶ See note 1 *Supra* as to "Minister of Transport and Civil Aviation."

⁷ In Subsection (3) the words "or fall to be defrayed out of the Road Fund under any other Act" and Subsection (4), are repealed on the winding up of the Road Fund by the Miscellaneous Financial Provisions Act, 1955 (c. 6) Section 4(4), Sch. II, Part. II.